

**APPENDIX C.       CONSISTENCY WITH CHAPTER 163, FLORIDA  
STATUTES**

Appendix C. Consistency with Chapter 163, F.S.

<b>1995: [Ch. 95-181, ss. 4-5; Ch. 95-257, ss. 2-3; Ch. 95-310; ss. 7-12; Ch. 95-322, S.S. 1-7; Ch. 95-341, S.S. 9, 10 and 12, Laws of Florida</b>					
<b>Changes to Chapter 163, F.S. 1995-2004</b>		<b>163, F.S. Citations</b>	<b>N/A</b>	<b>Addressed (where/how)</b>	<b>Amendment Needed By Element</b>
1	Required opportunities for mediation or alternative dispute resolution where a property owner's request for a comprehensive plan amendment is denied by a local government (Subsection 163.3181(4) and prior to a hearing where a plan or plan amendment was determined by the Department of Community Affairs ("DCA") to be not in compliance.	163.3184(10)(c)		Procedural	
2	Added a definition for "transportation corridor management" (Subsection 163.3164(30) and allowed the designation of transportation corridors in the required traffic circulation and transportation elements and the adoption of transportation elements and the adoption of transportation-corridor-management ordinances.	163.3177(6)	x		
3	Amended the definition of "public notice" and certain public notice and public hearing requirements to conform to the public notice and hearing requirements for counties and municipalities in Sections 125.66 and 166.041, respectively.	163.3164(18), 163.3171(3), 163.3174(1)&(4), & 163.318(3)(a), 163.3184(15)(a)-(c), 163.3187(1)(c)		Procedural	
4	Prohibited any initiative or referendum process in regard to any development order or comprehensive plan or map amendment that affects five or fewer parcels of land.	163.3167(12)		Procedural	
5	Reduced to 30 days the time for DCA to review comp plan amendments resulting from a compliance agreement.	163.3184(8)(a)		Procedural	

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<b>1995: [Ch. 95-181, ss. 4-5; Ch. 95-257, ss. 2-3; Ch. 95-310; ss. 7-12; Ch. 95-322, S.S. 1-7; Ch. 95-341, S.S. 9, 10 and 12, Laws of Florida</b>					
<b>Changes to Chapter 163, F.S. 1995-2004</b>		<b>163, F.S. Citations</b>	<b>N/A</b>	<b>Addressed (where/how)</b>	<b>Amendment Needed By Element</b>
6	Amended the requirements for the advertisement of DCA's notice of intent.	163.3184((8)(b)		Procedural	
7	Required the administrative law judge to realign the parties in a Division of Administrative Hearings ("DOAH") proceeding where a local government adopts a plan amendment pursuant to a compliance agreement.	163.3184(16)(f)		Procedural	
8	Added clarifying language relative to those small scale plan amendments that are exempt from the twice-per-year limitation and prohibited DCA review of those small scale amendments that meet the statutory criteria in Par. 163.3187(1)(c).	163.3187(1)(c) & (3)(a)-(c)		Procedural	
9	Required DCA to consider an increase in the annual total acreage threshold for small scale amendments. (Later repealed by S. 16, Ch. 2000-158, Laws of Florida).	163.3177(7)		Procedural	
10	Required local planning agencies to provide opportunities for involvement by district school boards and community college boards.	163.31749(1)		Procedural, Interlocal Agreement	
11	Required that the future land use element clearly identify those land use categories where public schools are allowed.	163-3177(6)(a)		Future Land Use Element, Educational Use Category	
12	Established certain criteria for local governments wanting to extend concurrency to public schools. (Later amended by S.5, Ch. 98-176, Laws of Florida).	163.3180(1)(b)		Procedural, no school concurrency requirement	
<b>1996: [Ch. 96-205, s. 1; Ch. 96-320, ss. 10-11; 96-416, ss. 1-6, 15, Laws of Florida</b>					
13	Substantially amended the criteria for small scale amendments that are exempt from the twice-per-year limitation.	163.3187(1)(c)		Procedural	
14	Revised the objectives in the coastal management element to include the maintenance of ports.	163.3177(6)(g)9	x		

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Changes to Chapter 163, F.S. 1995-2004		163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
15	Provide that certain port related expansion projects are not DRIs under certain conditions.	163.3178(2),(3), & (5)	x	Procedural	
16	Allowed a county to designate areas on the future land use plan for possible future municipal incorporation.	163.3177(6)(a)	x		
17	Required the ICE to include consideration of the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land.	163.3177(6)(h)		Future Land Use Element and Intergovernmental Coordination Element and Interlocal Agreement	
18	Revised the processes and procedures to be included in the ICE.	163.3177(6)(h)		Intergovernmental Coordination Element	
19	Required that within 1 year after adopting their ICE, each county and all municipalities and school boards therein establish by interlocal agreement the joint processes consistent with their ICE.	163.3177(6)(h)2		Procedural, Interlocal agreements	
20	Required local governments who utilize school concurrency to satisfy intergovernmental coordination requirements of 163.3177(6)(h)1.	163.3180(1)(b)2	x		
21	Permitted a county to adopt a municipal overlay amendment to address future possible municipal incorporation of a specific geographic area.	163.3217	x		
22	Authorized DCA to conduct a sustainable communities demonstration project.	163.3244		Procedural	
<b>1997: [Ch. 97-253, ss. 1-4, Laws of Florida]</b>					
23	Amended the definition of de minimis impact as it pertains to concurrency requirements.	163.3180(6)		Procedural	
24	Established that no plan or plan amendment in an area of critical state concern is effective until found in compliance by a final order.	163.3184(14)	x		

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Changes to Chapter 163, F.S. 1995-2004		163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
25	Amended the criteria for the annual effect of Duval County small scale amendments to a maximum of 120 acres.	163.3187(1)(c)1.a.111	x		
26	Prohibited amendments in areas of critical state concern from becoming effective if not in compliance.	163.3189(2)(b)	x		
<b>1998: [Ch. 98-75, s. 14; Ch. 146, ss. 2-5; Ch. 98-176, ss. 2-6 and 12-15; Ch. 98-258, ss.4-5]</b>					
27	Exempted brownfield area amendments from the twice-a-year limitation.	163.3187(1)(g)		Procedural	
28	Required that the capital improvements element set forth standards for the management of debt.	163.3177(3)(a)4		Capital Improvements Element	
29	Required inclusion of at least two planning periods at least 5 years and at least 10 years.	163.3177(5)(a)		Procedural	
30	Allowed multiple individual plan amendments to be considered together as one amendment cycle.	163.3184(3)(d)		Procedural	
31	Defined optional sector plan and created section 163.3245 allowing local governments to address DRI issues within certain identified geographic areas.	163.3164(31) & 163.3245		Procedural	
32	Established the requirements for a public school facilities element.	163.3177(12)		Procedural, no Public Schools Element (voluntary)	
33	Established the minimum requirements for imposing school concurrency	163.3180(12), [now Sec. (13)]	x		
34	Required DCA adopt minimum criteria for the compliance determination of a public school facilities element imposing school concurrency.	163.3180(13), [now Sec. (14)]	x		
35	Required that evaluation and appraisal reports address coordination of the comp plan with existing public schools and the school district's 5-year work program	163.3191(2)(i)		Evaluation and Appraisal Report	
36	Amended the definition of "in compliance" to include consistency with Sections 163.3180 and 163.3245.	163.3184(1)(b)		Procedural	

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<b>Changes to Chapter 163, F.S. 1995-2004</b>		<b>163, F.S. Citations</b>	<b>N/A</b>	<b>Addressed (where/how)</b>	<b>Amendment Needed By Element</b>
37	Required DCA to maintain a file with all documents received or generated by DCA relating to plan amendments and identify; limited DCA's review of proposed plan amendments to written comments, and required DCA to identify and list all written communications received within 30 days after transmittal of a proposed plan amendment.	163.3184(2), (4), & (6)	X	Procedural	
38	Allowed a local government to amend its plan for a period of up to one year after the initial determination of sufficiency of an adopted EAR even if the EAR is insufficient.	163.3187(6)(b)		Procedural	
39	Substantially reworded Section 163.3191, F.S., related to evaluation and appraisal reports.	163.3191		Evaluation and Appraisal Report	
40	Changed the population requirements for municipalities and counties which are required to submit otherwise optional elements.	163.3177(6)(i)	X		

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<b>1999: [Ch. 99-251, ss.65-6, and 90; Ch. 99-378, ss. 1, 3-5, and 8-9, Laws of Florida]</b>					
<b>Changes to Chapter 163, F.S. 1995-2004</b>		<b>163, F.S. Citations</b>	<b>N/A</b>	<b>Addressed (where/how)</b>	<b>Amendment Needed By Element</b>
41	Required that ports and local governments in the coastal area, which has spoil disposal responsibilities, identify dredge disposal sites in the comp plan.	163.3178(7)	x		
42	Exempted from the twice-per-year limitation certain port related amendments for port transportation facilities and projects eligible for funding by the Florida Seaport Transportation and Economic Development Council.	163.3187(1)(h)	x		
43	Required rural counties to base their future land use plans and the amount of land designated industrial on data regarding the need for job creation, capital investment, and economic development and the need to strengthen and diversity local economics.	163.317(6)(a)	x		
44	Added the Growth Policy Act to Ch. 163, Part II to promote urban infill and redevelopment.	163.2511, 163.25, 14, 163.2517, 163.2520, 163.2523, 163.2526		Procedural	
45	Required that all comp plans comply with the school siting requirements by October 1, 1999.	163.3177(6)(a)		Future Land Use and Intergovernmental Coordination Element	Future Land Use and Intergovernmental Coordination Element Amendments
46	Made transportation facilities subject to concurrency.	163.3180(1)(a)		Transportation Element, Concurrency requirements	
47	Required use of professionally accepted techniques for measuring level of service for cars, trucks, transit, bikes and pedestrians.	163.3180(1)(b)		Transportation Element, Concurrency requirements	
48	Excludes public transit facilities from concurrency requirements.	163.3180(4)(b)		Transportation Element, Concurrency requirements	
49	Allowed multi-use DRIs to satisfy the transportation concurrency requirements when authorized by a local comprehensive plan under limited circumstances.	163.3180(12)		Procedural	

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<b>1999: [Ch. 99-251, ss.65-6, and 90; Ch. 99-378, ss. 1, 3-5, and 8-9, Laws of Florida]</b>					
<b>Changes to Chapter 163, F.S. 1995-2004</b>		<b>163, F.S. Citations</b>	<b>N/A</b>	<b>Addressed (where/how)</b>	<b>Amendment Needed By Element</b>
50	Allowed multi-modal transportation districts in areas where priorities for the pedestrian environment are assigned by the plan.	163.3180(15)		Procedural	
51	Exempted amendments for urban infill and redevelopment areas, public school concurrency from the twice-per-year limitation.	163.31879(1)(h) & (i)		Procedural	
52	Defined brownfield designation and added the assurance that a developer may proceed with development upon receipt of a brownfield designation.	163.3220(2)		Procedural	
<b>2000: [Ch. 2000-158, ss. 15-17, Ch. 2000-284, s. 1, Ch. 2000-317, s. 18, Laws of Florida]</b>					
53	Repealed Section 163.3184(11)(c), F.S., that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.			Procedural	
54	Repealed Section 163.3187(7), F.S. that required consideration of an increase in the annual total acreage threshold for small scale plan amendments and a report by DCA.			Procedural	
55	Repealed Sections 163.3191(13) and (15), F.S.			Procedural	
56	Allowed small scale amendments in areas of critical state concern to be exempt from the twice-per-year limitation only if they are for affordable housing.	163.3187(1)(c)1.e	x		
57	Added exemption of sales from local option surtax imposed under Section 212.054, F.S., as examples of incentives for new development within urban infill and redevelopment areas.	163.2517((3)(j)2		Procedural	
<b>2001: [Ch. 2001-279, s.64]</b>					
58	Created the rural land stewardship area program.	163.3177(11)(d)	x		
<b>2002: [Ch. 2002-296, ss. 1-11, Laws of Florida]</b>					
59	Required that all agencies that review comprehensive plan amendments and rezoning include a nonvoting representative of the district school board.	163.3174		Intergovernmental Coordination Element, Interlocal Agreement for Public School Facilities Planning	Intergovernmental Coordination Element amendments



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<b>2002: [Ch. 2002-296, ss. 1-11, Laws of Florida]</b>					
<b>Changes to Chapter 163, F.S. 1995-2004</b>		<b>163, F.S. Citations</b>	<b>N/A</b>	<b>Addressed (where/how)</b>	<b>Amendment Needed By Element</b>
60	Required coordination of local comprehensive plan with the regional water supply plan.	163.3177(4)(a)			Intergovernmental Coordination Element amendment
61	Plan amendments for school-siting maps are exempt from s. 163.3187(1)'s limitation on frequency.	163.3177(6)(a)		Procedural	
62	Required that by adoption of the EAR, the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element consider the regional water supply plan and include a 10-year work plan to build the identified water supply facilities.	163.3177(6)(c)	x		
63	Required consideration of the regional water supply plan in the preparation of the conservation element.	163.3177(6)(d)			Conservation Element amendment
64	Required that the intergovernmental coordination element (ICE) include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.	163.3177(6)(h)			Intergovernmental Coordination Element amendment
65	Required the local governments adopting a public educational facilities element execute an interlocal agreement with the district school board, the county, and non-exempting municipalities.	163.3177(6)(h)4	x		
66	Required that counties larger than 100,000 population and their municipalities submit a interlocal service delivery agreements (existing and proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local government is required to update its ICE based on the findings of the report. DCA will meet with affected parties to discuss strategies to remedy any deficiencies or duplications.	163.3177(6)(h) 6,7 & 8		Interlocal Services Delivery Agreement	
67	Required local governments and special districts to provide recommendations for statutory changes for annexation to the Legislature by February 1, 2003.	163.3177(6)(h)9		Procedural	
68	Added a new section 163.31776 that allows a county to adopt an optional public educational facilities element in cooperation with the applicable school board.	163.31776	x		

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<b>2002: [Ch. 2002-296, ss. 1-11, Laws of Florida]</b>					
<b>Changes to Chapter 163, F.S. 1995-2004</b>		<b>163, F.S. Citations</b>	<b>N/A</b>	<b>Addressed (where/how)</b>	<b>Amendment Needed By Element</b>
69	Added a new section 163.31777 that requires local governments and school boards to enter into an interlocal agreement that addresses school siting, enrollment forecasting, school capacity, infrastructure and safety needs of schools, schools as emergency shelters, and sharing of facilities.	163.31777		Intergovernmental Coordination Element, Interlocal Agreement for Public School Facilities Planning	Intergovernmental Coordination Element amendments
70	Added a provision that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.	163.3180(4)(c)		Concurrency requirements, Future Land Use Element, Future Land Use Plan Map	
71	Expanded the definition of “affected persons” to include property owners who own land abutting a change to a future land use map.	163.3184((1)(a)		Procedural	
72	Expanded the definition of “in compliance” to include consistency with Section 163.31776 (public educational facilities element).	163.3184((1)(b)		Procedural	
73	Streamlined the timing of comprehensive plan amendment review.	163.3184 (3, 4, 6, 7 and 8)		Procedural	
74	Required that local governments provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and addresses.	163.3184(15)(c)		Procedural	
75	Exempted amendments related to providing transportation improvements to enhance life safety on “controlled access major arterial highways” from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)(k)		Procedural	

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<b>2002: [Ch. 2002-296, ss. 1-11, Laws of Florida]</b>					
<b>Changes to Chapter 163, F.S. 1995 -2004</b>		<b>163, F.S. Citations</b>	<b>N/A</b>	<b>Addressed (where/how)</b>	<b>Amendment Needed By Element</b>
76	Required EAR's to include: <ul style="list-style-type: none"> <li>o Consideration of the appropriate regional water supply plan, and</li> <li>o An evaluation of whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs.</li> </ul>	163.3191(2)(l)		Evaluation and Appraisal Report/City not in Coastal High Hazard Area	
77	Allowed local governments to establish a special master process to assist the local governments with challenges to local development orders for consistency with the comprehensive plan.	163.3215		Procedural	
78	Created the Local Government Comprehensive Planning Certification Program to allow less state and regional oversight of comprehensive plan process if the local government meets certain criteria.	163.3246		Procedural	
79	Added a provision to Section 380.06(24), Statutory Exemptions, that exempts from the requirements for developments of regional impact, any water port or marina development if the relevant local government has adopted a "boating facility siting plan or policy" (which includes certain specified criteria) as part of the coastal management element or future land use element of its comprehensive plan. The adoption of the boating facility siting plan or policy is exempt from the limitation on the frequency of plan amendments contained in s. 163.3187(1).	163.3187(1)		Procedural	
80	Prohibited a local government, under certain conditions, from denying an application for development approval for a requested land use for certain proposed solid waste management facilities.	163.3194(6)		Procedural	

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2003: [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s. 61, Laws of Florida.]					
	Changes to Chapter 163, F.S. 1995-2004	163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
81	Creates the <b>Agricultural Lands and Practices Act</b> . (2): Provides legislative findings and purpose with respect to agricultural activities and duplicative regulation. (3): Defines the terms “farm,” “farm operation,” and “farm product” for purposes of the act. (4): Prohibits a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm operation on land that is classified as agricultural land. (4)(a): Provides that the act does not limit the powers of a county under certain circumstances. (4)(b): Clarifies that a farm operation may not expand its operations under certain circumstances. (4)(c): Provides that the act does not limit the powers of certain counties. (4)(d): Provides that certain county ordinances are not deemed to be a duplication of regulation.	163.3162	x		
82	Changes “State Comptroller” references to “Chief Financial Officer.”			Procedural	
83	Provides for certain airports to abandon DRI orders.		x		
84	Amended to conform to the repeal of s. 235.185 and the enactment of similar material in s. 1013.35.	163.31776(1)(b)(2)-(3)		Procedural	
85	Amended to conform to the repeal of ch. 235 and the enactment of similar material in ch. 1013.	163.37111(1)(c), (2)(e)-(f), (3)(c), (4), (6)(b)		Procedural	
2004: [Ch. 04-5, s. 11; ch. 04-37, s. 1; ch. 04-230, ss. 1-4; ch. 04-372, ss. 2-5; ch. 04-381, ss. 1-2; ch. 04-384, s. 2, Laws of Florida.]					
86	(10): Amended to conform to the repeal of the Florida <b>High-Speed Rail</b> Transportation Act, and the creation of the Florida High-Speed Rail Authority Act. (13): Created to require local governments to identify adequate <b>water supply sources</b> to meet future demand. (14): Created to limit the effect of <b>judicial determinations</b> issued subsequent to certain development orders pursuant to adopted land development regulations.	163.3167		Procedural	

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2004: [Ch. 04-5, s. 11; ch. 04-37, s. 1; ch. 04-230, ss. 1-4; ch. 04-372, ss. 2-5; ch. 04-381, ss. 1-2; ch. 04-384, s. 2, Laws of Florida.]					
	Changes to Chapter 163, F.S. 1995-2004	163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
87	<p>(1): Provides legislative findings on the compatibility of development with <b>military installations</b>.</p> <p>(2): Provides for the exchange of information relating to proposed land use decisions between counties and local governments and military installations.</p> <p>(3): Provides for responsive comments by the commanding officer or his/her designee.</p> <p>(4): Provides for the county or affected local government to take such comments into consideration.</p> <p>(5): Requires the representative of the military installation to be an ex-officio, nonvoting member of the county's or local government's land planning or zoning board.</p> <p>(6): Encourages the commanding officer to provide information on community planning assistance grants.</p>	Creates 163.3175.	x		Future Land Use Element Amendment
88	<p>163.3177 (6)(a):</p> <ul style="list-style-type: none"> <li>- Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with <b>military installations</b>.</li> <li>- Changed to specifically encourage <b>rural land stewardship area</b> designation as an overlay on the future land use map.</li> </ul> <p>(6)(c):</p> <ul style="list-style-type: none"> <li>- Extended the deadline adoption of the <b>water supply facilities work plan</b> amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments.</li> </ul> <p>(10)(1): Provides for the coordination by the state land planning agency and the Department of Defense on compatibility issues for <b>military installations</b>.</p> <p>(11)(d)(1): Requires DCA, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to <b>rural land stewardship areas</b>.</p> <p>(11)(d)(2): Provides for <b>multicounty rural land stewardship areas</b>.</p> <p>(11)(d)(3)-(4): Revises requirements, including the acreage threshold for designating a <b>rural land stewardship area</b>.</p> <p>(11)(d)(6)(j): Provides that <b>transferable rural land use credits</b> may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land.</p> <p>(11)(e): Provides legislative findings regarding mixed-use, high-density <b>urban infill and redevelopment</b> projects; requires DCA to provide technical assistance to local governments.</p> <p>(11)(f): Provides legislative findings regarding a program for the transfer of development rights and <b>urban infill and redevelopment</b>; requires DCA to provide technical assistance</p>	163.3177			Future Land Use Element Amendment

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2004: [Ch. 04-5, s. 11; ch. 04-37, s. 1; ch. 04-230, ss. 1-4; ch. 04-372, ss. 2-5; ch. 04-381, ss. 1-2; ch. 04-384, s. 2, Laws of Florida.]

	Changes to Chapter 163, F.S. 1995-2004	163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
89	(1): Provides legislative findings with respect to the shortage of <b>affordable rentals</b> in the state. (2): Provides definitions. (3): Authorizes local governments to permit <b>accessory dwelling units</b> in areas zoned for single family residential use based upon certain findings. (4): Provides for certain <b>accessory dwelling units</b> to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan. (5): Requires the DCA to report to the Legislature.	Creates 163.31771.		Procedural	
90	Amends the definition of "in compliance" to add language referring to the <b>Wekiva Parkway and Protection Act</b> .	163.3184(1)(b)	x		
91	(1)(m): Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close proximity to <b>military installations</b> do not count toward the limitation on frequency of amending comprehensive plans. (1)(n): Created to provide that amendments to establish or implement a <b>rural land stewardship area</b> do not count toward the limitation on frequency of amending comprehensive plans.	163.3187		Procedural	
92	Created to provide that <b>evaluation and appraisal reports</b> evaluate whether criteria in the land use element were successful in achieving land use compatibility with <b>military installations</b> .	163.3191(2)(n)	x		No military installations within or proximate to City

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2005 [Ch. 2005-290 and Ch. 2005-291, ss. 10-12, Laws of Florida]					
	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
67	Added the <b>definition</b> of “ <b>financial feasibility</b> .”	Creates 163.3164(32)		Procedural	
68	<p>(2) Required comprehensive plans to be “financially” rather than “economically” feasible.</p> <p>(3)(a)5. Required the comprehensive plan to include a <b>5-year schedule of capital improvements</b>. Outside funding (i.e. from developer, other government or funding pursuant to referendum) of these capital improvements must be <b>guaranteed</b> in the form of a <b>development agreement or interlocal agreement</b>.</p> <p>(3)(a)6.b.1. Required plan amendment for the <b>annual update</b> of the schedule of capital improvements. <b>Deleted</b> provision allowing updates and change in the date of construction to be accomplished by ordinance.</p> <p>(3)(a)6.c. Added <b>oversight and penalty</b> provision for failure to adhere to this section’s capital improvements requirements.</p> <p>(3)(a)6.d. Required a <b>long-term capital improvement schedule</b> if the local government has adopted a long-term concurrency management system.</p> <p>(6)(a) <b>Deleted</b> date (October 1, 1999) by which school sitting requirements must be adopted.</p> <p>(6)(c) Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the <b>alternative water supply projects</b> selected by the local government to meet its water supply</p>	163.3177	X	<p>Procedural</p> <p>Future Land Use Element</p>	<p>Amend the Capital Improvements Element to include the City’s Capital Improvements Program. Beginning in 2006 updates to the Capital Improvements Program should be adopted into the Comprehensive Plan by amendment on an annual basis. Outside revenue sources listed in the Capital Improvements Schedule will be guaranteed by developer or interlocal agreements. Policies to this effect will be added to the Capital Improvements Element. In addition, the Capital Improvements Program shall be coordinated, as appropriate, with the Miami-Dade Metropolitan Planning Organization’s Long Range Transportation Plan.</p> <p>Include Policy reiterating that Capital Improvements Schedule will be updated on an annual basis, and updated in the Comprehensive Plan by amendment.</p> <p>Amend Infrastructure Element to include alternative water supply projects, if any.</p>

	<p>needs.</p> <p>(11)(d)4.c. Required <b>rural land stewardship areas</b> to address <b>affordable housing</b>.</p> <p>(11)(d)5. Required a <b>listed species survey</b> be performed on <b>rural land stewardship receiving area</b>. If any listed species present, must ensure adequate provisions to protect them.</p> <p>(11)(d)6. Must enact an ordinance establishing a <b>methodology</b> for creation, conveyance, and use of <b>stewardship credits</b> within a <b>rural land stewardship area</b>.</p> <p>(11)(d)6.j. Revised to allow <b>open space and agricultural land</b> to be just as important as environmentally sensitive land when assigning stewardship credits.</p> <p>(12) Must adopt <b>public school facilities element</b>.</p> <p>(12)(a) and (b) A waiver from providing this element will be allowed under certain circumstances.</p> <p>(12)(g) Expanded list of items to be to include <b>colocation, location of schools proximate to residential areas</b>, and use of schools as <b>emergency shelters</b>.</p> <p>(12)(h) Required local governments to provide maps depicting the general <b>location</b> of new schools and school improvements within future conditions maps.</p> <p>(12)(i) Required DCA to establish a <b>schedule for adoption</b> of the public school facilities element.</p>		<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Procedural</p>	<p>The City will adopt a Public Schools Element, in accordance with the established schedule; at this time, however, additional clarification is needed, and it is unclear how the new requirements will be applied or implemented. No amendments are recommended at this time.</p> <p>Will be addressed in future Public Schools Element</p> <p>Will be addressed in future Public Schools Element.</p>
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	<p>(12)(j) Established <b>penalty</b> for failure to adopt a public school facility element.</p> <p>(13)(<b>new section</b>) Encouraged local governments to develop a “<b>community vision</b>,” which provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources.</p> <p>(14)(<b>new section</b>) Encouraged local governments to develop a “<b>urban service boundary</b>,” which ensures the area is served (or will be served) with adequate public facilities and services over the next 10 years. See 163.3184(17).</p>			Procedural	<p>Voluntary – City may consider in future.</p> <p>Not applicable – City is inside Miami-Dade’s adopted Urban Development Boundary</p>
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Appendix C. Consistency with Chapter 163, F.S.

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
69	<p>(12) Required the public schools interlocal agreement (if applicable) to address requirements for school concurrency. The opt-out provision at the end of subsection (2) is deleted.</p> <p>(2) Required Palm Beach County to identify, as part of its EAR, changes needed in its public school element necessary to conform to the new 2005 public school facilities element requirements.</p> <p>(3) Provided that counties exempted from public school facilities element shall undergo re-evaluation as part of its EAR to determine if they continue to meet exemption criteria.</p>	163.31777	X		<p>The City will adopt a Public Schools Element, including concurrency requirements, in accordance with the established schedule; at this time, however, additional clarification is needed, and it is unclear how the new requirements will be applied or implemented. No amendments are recommended at this time.</p>
70	<p>(1)(a) Added “schools” as a required concurrency item.</p> <p>(2)(a) Required consultation with water supplier prior to issuing building permit to ensure “adequate water supplies” to serve new development is available by the date of issuance of a certificate of occupancy.</p> <p>(2)(c) Required ALL transportation facilities to be in place or under construction within 3 years (rather than 5 years) after approval of building permit.</p> <p>(4)(c) Allowed concurrency requirement for public schools to be waived within urban infill and redevelopment areas (163.2517).</p>	163.3180			<p>The City will adopt a Public Schools Element, including concurrency requirements, in accordance with the established schedule; at this time, however, additional clarification is needed, and it is unclear how the new requirements will be applied or implemented. No amendments are recommended at this time.</p> <p>Land development regulations and Concurrency Management System).</p> <p>Concurrency Management System in Capital Improvements Element currently reflects 36 months (3 years)</p> <p>The City will adopt a Public Schools Element, including concurrency requirements, in accordance with the established schedule; at this time, however, additional clarification is needed, and it is unclear how the new requirements will be applied or</p>

<p>(5)(d) Required guidelines for granting concurrency exceptions to be included in the comprehensive plan.</p> <p>(5)(e) – (g) If local government has established transportation exceptions, the guidelines for implementing the exceptions must be “consistent with and support a comprehensive strategy, and promote the purpose of the exceptions.” Exception areas must include mobility strategies, such as alternate modes of transportation, supported by data and analysis. FDOT must be consulted prior to designating a transportation concurrency exception area. Transportation concurrency exception areas existing prior to July 1, 2005 must meet these requirements by July 1, 2006, or when EAR update.</p> <p>(6) Required local government to maintain records to determine whether 110% de minimus transportation impact threshold is reached. A summary of these records must be submitted with the annual capital improvements element update. Exceeding the 110% threshold dissolves the de minimus exceptions.</p> <p>(7) Required consultation with the Department of Transportation prior to designating a transportation concurrency management area (to promote infill development) to ensure adequate level-of-service standards are in place. The local government and the DOT should work together to mitigate any impacts to the Strategic Intermodal System.</p> <p>(9)(a) Allowed adoption of a long-term concurrency management system for schools.</p> <p>(9)(c) (new section) Allowed local governments to issue approvals to commence construction notwithstanding 163.3180 in areas subject to a long-term concurrency management system.</p> <p>(9)(d) (new section) Required evaluation in EAR of progress in improving levels of service.</p> <p>(10) Added requirement that level of service standard for roadway</p>				<p>implemented. No amendments are recommended at this time.</p> <p>Included in Capital Improvements Element Concurrency Management System.</p> <p>Transportation Element amendments.</p> <p>Transportation Element amendments.</p> <p>See Chapter II.B. Transportation Concurrency Management Area not established, but may be during the planning period.</p> <p>Not established to date, but will be during the planning period.</p>
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N/A

<p>facilities on the Strategic Intermodal System must be consistent with FDOT standards. Standards must consider compatibility with adjacent jurisdictions.</p> <p>(13) Required school concurrency (not optional).</p> <p>(13)(c)1. Requires school concurrency after five years to be applied on a “less than districtwide basis” (i.e., by using school attendance zones, etc).</p> <p>(13)(c)2. Eliminated exemption from plan amendment adoption limitation.for changes to service area boundaries.</p> <p>(13)(c)3. No application for development approval may be denied if a less-than-districtwide measurement of school concurrency is used; however the development impacts must to shifted to contiguous service areas with school capacity.</p> <p>(13)(e) Allowed school concurrency to be satisfied if a developer executes a legally binding commitment to provide mitigation proportionate to the demand.</p> <p>(13)(e)1. Enumerated mitigation options for achieving proportionate-share mitigation.</p> <p>(13)(e)2. If educational facilities funded in one of the two following ways, the local government must credit this amount toward any impact fee or exaction imposed on the community:</p> <ul style="list-style-type: none"> <li>• contribution of land</li> <li>• construction, expansion, or payment for land acquisition</li> </ul> <p>(13)(g)2. Section deleted – it is no longer required that a local government and school board base their plans on consistent population projection and share information regarding planned public school facilities, development and redevelopment and infrastructure needs of public school facilities. However, see</p>				<p>EAR</p> <p>Transportation Element amendments.</p> <p>The City will adopt a Public Schools Element, including concurrency requirements, in accordance with the established schedule; at this time, however, additional clarification is needed, and it is unclear how the new requirements will be applied or implemented. No amendments are recommended at this time.</p> <p>See above.</p> <p>See above.</p> <p>See above.</p> <p>See above.</p> <p>See above.</p> <p>Interlocal Agreement for Coordinated Public School and Land Use Planning.</p>
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	<p>(13)(g)6.a. for similar requirement.</p> <p>(13)(g)6.a. (formerly (13)(g)7.a.) Local governments must establish a uniform procedure for determining if development applications are in compliance with school concurrency.</p> <p>(13)(g)7. (formerly (13)(g)8.) Deleted language that allowed local government to terminate or suspend an interlocal agreement with the school board.</p> <p>(13)(h) (new 2005 provision) The fact that school concurrency has not yet been implemented by a local government should not be the basis for either an approval or denial of a development permit.</p> <p>(15) Prior to adopting Multimodal Transportation Districts, FDOT must be consulted to assess the impact on level of service standards. If impacts are found, the local government and the FDOT must work together to mitigate those impacts. Multimodal districts established prior to July 1, 2005 must meet this requirement by July 1, 2006 or at the time of the EAR-base amendment, whichever occurs last.</p> <p>(16) (new 2005 Section) Required local governments to adopt by December 1, 2006 a method for assessing proportionate fair-share mitigation options. FDOT will develop a model ordinance by December 1, 2005.</p>				<p>Will be addressed during the planning period as part of the Public Schools Element and related concurrency requirements.</p> <p>Procedural.</p> <p>Procedural.</p> <p>Procedural</p> <p>Amend the Transportation Element to state that beginning in 2006, the City shall evaluate the impacts of proposed development and redevelopment on its transportation system, including the Strategic Intermodal Transportation System.</p> <p>Amend Transportation Element to state that the local government will adopt an ordinance to assess fair share mitigation options, in accordance with the model ordinance to be developed by FDOT.</p>
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Appendix C. Consistency with Chapter 163, F.S.

	<b>Changes to Chapter 163, F.S. 1998-2005</b>	<b>163, F.S. Citations</b>	N/A	Addressed (where/how)	Amendment Needed By Element
71	<p>(1)©1.f. Allowed approval of residential land use as a small-scale development amendment when the proposed density is equal to or less than the existing future land use category. Under certain circumstances affordable housing units are exempt from this limitation.</p> <p>(1)©4. (New 2005 provision) If the small-scale development amendment involves a rural area of critical economic concern, a 20-acre limit applies.</p> <p>(1)(o) (New 2005 Provision) An amendment to a rural area of critical economic concern may be approved without regard to the statutory limit on comprehensive plan amendments.</p>	163.3187	X  X		Procedural
151	<p>(2)(k) Required local governments that do not have either a school interlocal agreement or a public school facilities element, to determine in the EAR whether the local government continues to meet the exemption criteria in s.163.3177(12).</p> <p>(2)(l) The EAR must determine whether the local government has met its various water supply requirements, including development of alternative water supply projects.</p> <p>(2)(o) (New 2005 Provision) The EAR must evaluate whether its Multimodal Transportation District has achieved the purpose for which it was created.</p> <p>(2)(p) (New 2005 Provision) The EAR must assess methodology for impacts on transportation facilities.</p> <p>(10) The EAR-based amendment must be adopted within a single amendment cycle. Failure to adopt within this cycle results in penalties. Once updated, the comprehensive plan must be submitted to the DCA.</p>	163.3191			<p>School Interlocal in place and addressed in II.E. and IV.C. of EAR.</p> <p>Addressed in Chapter II. And Chapter IV.D. of EAR.</p> <p>Addressed in Chapter IV.F.</p> <p>Addressed in Chapter IV.F.</p> <p>Procedural</p>

**APPENDIX D.        CONSITENCY WITH RULE CHAPTER 9J-5, FLORIDA  
ADMINISTRATIVE CODE**

Appendix D. Consistency with Rule 9J-5, F.A.C.

Changes to Rule 9J-5, F.A.C. 1995-2004		9J-5, F.A.C. Citations	N/A	Addressed (Where/How)	Amendment Needed By Element
<b>February 20, 1996</b>					
1	Repealed rule requirements for the Traffic Circulation Element; Mass Transit Element; Ports, Aviation and Related Facilities Element. <i>Note: Certain local governments must continue to prepare these elements pursuant to 163.3177, F.S., and 9J-5.019, F.A.C.</i>	9J-5.007, 9J-5.008, and 9J-5.009		Procedural	
2	Repealed rule requirements for the Recreation and Open Space Element. <i>Note: Section 163.3177, F.S., requires local governments to prepare this element.</i>	9J-5.014		Recreation and Open Space Element	
3	Repealed rule requirements for consistency of local government comprehensive plans with Comprehensive Regional Policy Plans and with the State Comprehensive Plan. <i>Note: Local government comprehensive plans are required by Section 163.3184(1)(b), F.S., to be consistent with the applicable Strategic Regional Policy Plan and the State Comprehensive Plan.</i>	9J-5.021		Procedural	
<b>October 20, 1998</b>					
4	Established requirements for the Public School Facilities Element for Public School Concurrency for local governments that adopt school concurrency.	9J-5.025	x		
<b>March 21, 1999</b>					
5	Defined public transit and stormwater management facilities.	9J-5.003		Procedural	
6	Revised the definitions of affordable housing, coastal planning area, port facility, and wetlands.	9J-5.003		Procedural	
7	Repeal the definitions of adjusted for family size, adjusted gross income, development, high recharge area or prime recharge area, mass transit.	9J-5.003		Procedural	
8	Revised provisions relating to adoption by reference into the local comprehensive plan.	9J-5.005(2)(g) and (8)(j)		Procedural	



Appendix D. Consistency with Rule 9J-5, F.A.C.

Changes to Rule 9J-5, F.A.C. 1995-2004		9J-5, F.A.C. Citations	N/A	Addressed (Where/How)	Amendment Needed By Element
9	Repealed transmittal requirements for proposed evaluation and appraisal reports, submittal requirements for adopted evaluation and appraisal reports, criteria for determining the sufficiency of adopted evaluation and appraisal reports, procedures for adoption of evaluation and appraisal reports. <i>Note: Transmittal requirements for proposed evaluation and appraisal reports and submittal requirements for adopted evaluation and appraisal reports were incorporated Rule Chapter 9J-11, F.A.C.</i>	9J-5.0053(2), through (5)		Procedural	
10	Repealed conditions for de minimis impact and referenced conditions in Subsection 163.3180(6), F.S.	9J-5.0055(3)6		Procedural	
11	Required the future land use map to show the transportation concurrency exception area boundaries of such areas have been designated and areas for possible future municipal incorporation.	9J-5.006(4)		Transportation Element, Future Land Use Plan Map	
12	Required objectives of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Waster and Natural Groundwater Aquifer Recharge Element to address protection of high recharge and prime recharge areas.	9J-5.011(2)		Infrastructure Element	
13	Repealed the Intergovernmental Coordination Element process to determine if development proposals would have significant impacts on other local governments or state or regional resources or facilities, and provisions relating to resolution of disputes, modification of development orders, and the rendering of development orders to the Department of Community Affairs (DCA).	9J-5.015(4)	x	Procedural, Intergovernmental Coordination Element	
14	Clarified that local governments not located within the urban area of a Metropolitan Planning Organization are required to adopt a Traffic Circulation Element and that local governments with a population of 50,000 or less are not required to prepare Mass Transit and Ports, Aviation and Related Facilities Elements.	9J-5.019(1)	x		

Appendix D. Consistency with Rule 9J-5, F.A.C.

Changes to Rule 9J-5, F.A.C. 1995-2004		9J-5, F.A.C. Citations	N/A	Addressed (Where/How)	Amendment Needed If Element
15	<p>Required objectives of the Transportation Element to:</p> <ul style="list-style-type: none"> <li>○ Coordination the siting of new, or expansion of existing ports, airports, or related facilities with the Future Lane Use, Coastal Management, and Conservation Elements;</li> <li>○ Coordination surface transportation access to ports, airports, and related facilities with the traffic circulation system;</li> <li>○ Coordination ports, airports, and related facilities plans with plans of other transportation providers; and</li> </ul> <p>Ensure that access routes to ports, airports and related facilities are properly integrated with other modes of transportation.</p>	9J-5.019(4)(b)	x		
16	<p>Required policies of the Transportation Element to:</p> <ul style="list-style-type: none"> <li>○ Provide for safe and convenient on-site traffic flow;</li> <li>○ Establish measures for the acquisition and preservation of public transit rights-of-way and corridors;</li> <li>○ Promote ports, airports and related facilities development and expansion;</li> <li>○ Mitigate adverse structural and non-structural impacts from ports, airports and related facilities;</li> <li>○ Protect and conserve natural resources within ports, airports and related facilities;</li> <li>○ Coordinate intermodal management of surface and waster transportation within ports, airports and related facilities; and</li> </ul> <p>Protect ports, airports and related facilities from encroachment of incompatible land uses.</p>	9J-5.019(4)((c)		Applicable requirements in Transportation Element	
17	Added standards for the review of land development regulations by the Department.	9J-5.022		Procedural	
18	Added criteria for determining consistency of land development regulations with the comprehensive plan.	9J-5.023		Procedural	
19	Defined general lanes.	9J-5.003		Procedural	
20	Revised the definition of “marine wetlands”.	9J-5.003		Procedural	
21	Repeal the definition of “public facilities and services”.	9J-5.003		Procedural	
22	Revised procedures for monitoring, evaluating and appraising implementation of local comprehensive plans.	9J-5.005(7)		Procedural	
23	Repealed requirements for evaluation and appraisal reports and evaluation and appraisal amendments.	9J-5.0053		Procedural	

Appendix D. Consistency with Rule 9J-5, F.A.C.

<b>Changes to Rule 9J-5, F.A.C. 1995-2004</b>		<b>9J-5, F.A.C. Citations</b>	<b>N/A</b>	<b>Addressed (Where/How)</b>	<b>Amendment Needed By Element</b>
24	Revised concurrency management system requirements to include provisions for establishment of public school concurrency.	9J-5.005(1) and (2)	x		
25	Authorized local governments to establish multimodal transportation level of service standards and established requirements for multimodal transportation districts.	9J-5.0055(2)(b) and (3)(c)		Procedural, no district established	
26	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.0055(2)(c)		Transportation Element	
27	Provide that public transit facilities are not subject to concurrency requirements.	9J-5.0055(8)		Concurrency Management System, Procedural	
28	Authorized local comprehensive plans to permit multi-use developments of regional impact to satisfy the transportation concurrency requirements by payment of a proportionate share contribution.	9J-5.0055(9)		Procedural	
29	Required the future land use map to show multimodal transportation district boundaries, if established.	9J-5.006(4)		Voluntary, not established	
30	Authorized local governments to establish multimodal transportation districts and, if established, required local governments to establish design standards for such districts.	9J-5.006(6)		Voluntary, not established	
31	Required data for the Housing Element include a description of substandard dwelling units and repealed the requirement that the housing inventory include a locally determined definition of standard and substandard housing conditions.	9J-5.010(1)(c)		Housing Element, Evaluation and Appraisal Report	
32	Authorized local governments to supplement the affordable housing needs assessment with locally generated data and repealed the authorization for local governments to conduct their own assessment.	9J-5.10(2)(b)		Housing Element, Evaluation and Appraisal Report, Voluntary	
33	Required the Intergovernmental Coordination Element to include objectives that ensure adoption of interlocal agreements within one year of adoption of the amended Intergovernmental Coordination Element and ensure intergovernmental coordination between all affected local governments and the school board for the purpose of establishing requirements for public school concurrency.	9J-5.015(3)(b)		Intergovernmental Coordination Element; no school concurrency requirement	

Appendix D. Consistency with Rule 9J-5, F.A.C.

<b>Changes to Rule 9J-5, F.A.C. 1995-2004</b>		<b>9J-5, F.A.C. Citations</b>	<b>N/A</b>	<b>Addressed (Where/How)</b>	<b>Amendment Needed By Element</b>
34	Required the Intergovernmental Coordination Element to include: <ul style="list-style-type: none"> <li>○ Policies that provide procedures to identify and implement joint planning areas for purposes of annexation, municipal incorporation and joint infrastructure service areas;</li> <li>○ Recognize campus master plan and provide procedures for coordination of the campus master development agreement;</li> <li>○ Establish joint processes for collaborate planning and decision-making with other units of local government;</li> <li>○ Establish joint processes for collaborative planning and decision making with the school board on population projections and siting of public school facilities;</li> <li>○ Establish joint processes for the siting of facilities with county-wide significance; and</li> </ul> Adoption of an interlocal agreement for school concurrency.	9J-5.015(3)(c)		Intergovernmental Coordination Element	
35	Required the Capital Improvements Element to include implementation measures that provide a five-year financially feasible public school facilities program that demonstrates the adopted level of service standards will be achieved and maintained and a schedule of capital improvements for multimodal transportation districts, if locally established.	9J-5.016(4)(a)	X	Intergovernmental Coordination Element	
36	Required the Transportation Element analysis for multimodal transportation districts to demonstrate that community design elements will reduce vehicle miles of travel and support an integrated, multi-modal transportation system.	9J-5.019(3)		No multimodal transportation district established	
37	Required Transportation Element objectives for multimodal transportation districts to address provision of a safe, comfortable and attractive pedestrian environment with convenient access to public transportation.	9J-5.019(4)		No multimodal transportation district established	
38	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.019(4)(c)		South Miami is a Transportation Concurrency Exception Area	

**APPENDIX E.       CONSISTENCY WITH SOUTH FLORIDA REGIONAL  
POLICY PLAN**

**Goal 1)** Invest in youth and workforce of the region by providing quality education, workforce training, and targeted job creation.

**Response – Include Objective and/or policies in Intergovernmental Coordination Element reiterating the City’s commitment to coordination with federal, State and local agencies, as appropriate, in the promotion of quality education, workforce training programs, increased job opportunities, and job creation.**

**Goal 2)** Increase employment opportunities and support the creation of jobs with better pay and benefits for the Region’s workforce.

**Response – See response to Goal 1 above.**

**Goal 3)** Protect the health, safety and welfare of South Florida’s residents.

**Response – Include Objective and/or policies in the Intergovernmental Coordination Element reiterating the City’s commitment to coordination with federal, State, and local agencies and health care facilities and organizations (including South Miami Hospital), as appropriate, in order to ensure a healthy environment, and the health of the population.**

**Goal 4)** Enhance the economic and environmental sustainability of the Region by ensuring the adequacy of its public facilities and services.

**Response – Addressed in the Comprehensive Plan’s Future Land Use, Transportation, Infrastructure and Capital Improvements Elements.**

**Goal 5)** Overcome school overcrowding in the region.

**Response – Addressed in the Comprehensive Plan’s Future Land Use and Intergovernmental Coordination Elements.**

**Goal 6)** Ensure the availability and equitable distribution of adequate, affordable housing for very low, low and moderate income households within the Region.

**Response – Addressed in the Comprehensive Plan’s Housing Element and Chapter II.B. of the EAR.**

**Goal 7)** Protect, conserve, and enhance the Region’s water resources.

**Response – As noted in the EAR, the City shall coordinate, as appropriate with Miami-Dade County in the implementation of the Water Supply Facilities Workplan. Water Resources are addressed in the Comprehensive Plan’s Conservation and Infrastructure Elements.**

**Goal 8)** Enhance the Region's mobility, safety, quality of life, and economic health through improvements to road, port, and public transportation infrastructure.

***Response – Addressed in the Comprehensive Plan's Transportation Element. See Chapter II.B. of the EAR.***

**Goal 9)** Develop clean, sustainable, and energy efficient power generation and transportation systems.

***Response – Addressed in the Comprehensive Plan's Future Land Use and Transportation Elements.***

**Goal 10)** Increase awareness of the Region's green infrastructure, its significance to the Region's economy, and the public's role in access and use that is compatible with long-term sustainability.

***Response – Addressed in the Comprehensive Plan's Parks and Recreation and Conservation Elements. See Chapter II.C. of the EAR.***

**Goal 11)** Encourage and promote the implementation of development proposals that conserve the region's natural resources, rural and agricultural lands, green infrastructure, and:

- Utilizes existing and planned infrastructure where most appropriate in urban areas;
- Enhances the utilization of regional transportation systems;
- Incorporates mixed land use development;
- Recycles existing developed sites, and;
- Provides for the preservation of historic sites.

***Response – Addressed in the Comprehensive Plan's Future Land Use, Transportation, Infrastructure, Parks and Recreation, Conservation, Capital Improvements, and Intergovernmental Coordination, and Urban Design Elements.***

**Goal 12)** Encourage the retention of the Region's rural lands and agricultural economy.

***Response – There are no Agriculture or agriculturally designated lands in the City.***

**Goal 13)** Preserve, restore, and rehabilitate South Florida's historic structures, landmarks, districts, neighborhoods, and archeological sites.

***Response - Addressed in the Comprehensive Plan's Future Land Use and Element.***

**Goal 14)** Protect, preserve, and restore Natural Resources or Regional Significance.

***Response – There are no designated Natural Resources of Regional Significance in the City.***

**Goal 15)** Restore and protect the ecological values and functions of the Everglades ecosystem by increasing habitat area, increasing regional water storage, and restoring water quality.

***Response – Although the City is not within or adjacent to the Everglades, natural habitats and water quality are addressed in the Infrastructure and Conservation Elements. As noted in the EAR, the City shall coordinate, as appropriate with Miami-Dade County in the implementation of the Water Supply Facilities Workplan.***

**Goal 16)** Enhance and preserve natural system values of South Florida's shorelines, estuaries, benthic communities, fisheries, and associated habitats, including but not limited to Florida Bay, Biscayne Bay, tropical hardwood hammocks, and the coral reef tract.

***South Miami is not a coastal community.***

**Goal 17)** Maintain a competitive, diversifies, and sustainable regional economy.

***Response - Addressed in the Comprehensive Plan's Future Land Use Element.***

**Goal 18)** Ensure regional coordination, preparation, and response to emergencies.

***Response - Emergency management is addressed in the Intergovernmental Coordination Elements.***

**Goal 19)** Direct future development away from areas most vulnerable to storm surges.

***Response - The City of South Miami is not located within the Coastal High Hazard Area.***

**Goal 20)** Achieve long-term efficient and sustainable development patterns that protect natural resources and connect diverse housing, transportation, education and employment opportunities.

***Response – Addressed in the Comprehensive Plan's Future Land Use, Transportation, Conservation and Intergovernmental Coordination Elements.***



**Goal 21)** Enhance regional cooperation, multi-jurisdictional coordination, and multi-issue regional planning to ensure the balancing of competing needs and long-term sustainability of our natural, developed and human resources.

***Response – Addressed in the Comprehensive Plan’s Intergovernmental Coordination Element.***

**Goal 22)** Create a regional environment that is aware of, and sensitive to, cultural diversity, and that provides opportunities for all to become successful regional citizens.

***Response – Include Objective and/or policies in Intergovernmental Coordination Element reiterating the City’s commitment to coordination with State, regional, and local agencies to increase awareness of, and ensure sensitivity to, cultural diversity in South Florida.***

## **APPENDIX F. PUBLIC MEETINGS**

**City of South Miami**  
**Special City Commission Minutes**  
**January 5, 2006**

**CALL TO ORDER:**

The City Commission of the City of South Miami, Florida met in special session on Thursday, January 5, 2006, beginning at 7:12 p.m., in the City Commission Chambers, 6130 Sunset Drive.

**A. Roll Call:**

The following members of the City Commission were present: Mayor Mary Scott Russell, and, Commissioners Randy G. Wiscombe, Marie Birts-Cooper and Craig Z. Sherar. Vice Mayor Velma Palmer arriving after roll call.

Also in attendance were: City Attorney Luis Figueredo, City Manager Maria V. Davis and City Clerk Maria M. Menendez.

**B. Invocation:** The invocation was delivered in silence.

**C. Pledge of Allegiance:**

The Pledge of Allegiance was recited in unison.

**D. Presentations:**

Mayor Russell opened the meeting explaining that this would be a special City Commission meeting for Commission's discussion with no public remarks. For months now the Commission has been having hearings through the Planning Board, and the Commission has been listening to public remarks, but the Commission has not yet had a chance to discuss the public's concerns, staff's recommendations, Planning Board considerations, etc. The purpose of this meeting is to have a discussion and to deliberate. She then asked the audience for their cooperation.

At this time Mr. O'Donniley presented the item. The EAR is a process that it is mandated by State Statutes. All local jurisdictions in the State of Florida, called the Growth Management Act, are required from time to time to re-evaluate their adopted long-range plan. The long-range plan contains goals, objectives, policies, and future land use designations. It addresses issues such as parks and transportation. These evaluations are done every five years but no later than seven. We are within the period of time when we are scheduled by the State to complete our evaluation to meet the seven-year deadline. The Report is currently due; the Department of

Community Affairs (DCA) conducts a review of the Report once is submitted, and they have their input as to whether it is consistent or not with the adopted State plan, and with the policies and procedures adopted by the State under their administrative authority. Once they have reviewed the evaluation of the plan as submitted, they make their comments back to this body, at which time we need to make a response to the State's input; following that, they issue a determination as to whether we are in compliance with the State plan. The EAR process does not change any zoning, nor does it demand any future land use, but it identifies potential areas of study, recommends changes in text within the document, and it also observes whether we have accomplished previous goals and objectives and how we stand relating to the plan we previously adopted. It also addresses whether we want to continue those goals, policies and objectives. He explained that there has been extensive attempt to gather input from the public. In summary, Mr. O'Donniley said that this is a document that evaluates where we are in terms of our plan; it evaluates what studies we need to conduct in order to determine whether we should or should not amend the plan; finally, it is sent to the State for additional review that we need to respond to.

## **ITEMS (S) FOR THE COMMISSION'S CONSIDERATION:**

01-06-1869

1. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, ADOPTING AND TRANSMITTING THE 2005 EVALUATION AND APPRAISAL REPORT OF THE CITY'S COMPREHENSIVE PLAN FOR REVIEW AND COMMENT AND REQUESTING THAT THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS DELEGATE THE SUFFICIENCY REVIEW OF THE EVALUATION AND APPRAISAL REPORT (EAR) OF THE CITY'S COMPREHENSIVE PLAN TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL (SFRPC) PURSUANT TO THE PROVISIONS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATIONS ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE. 3/5

Moved by Commissioner Sherar, seconded by Vice Mayor Palmer and Commissioner Birts-Cooper to approve this item.

Vice Mayor Palmer asked for clarification on Attachments A and B.

Mr. O'Donniley explained that Attachment "A" consists of decisions that can be made this evening by the City Commission of issues that have arisen within the document itself during the hearing process through the Planning Board. Attachment "B" contains issues that were raised at public hearings after the document came to the City Commission. Per State Statutes, we are required to have one hearing at the Planning Board level, and one at the City Commission level. As indicated, we have held three at the Planning Board and two at the City Commission.

Commissioner Sherar said that he wished to make some comments before starting the discussion for the benefit of the public. He referred to the proposed RO zoning on Manor Lane and which has been the subject of certain opposition. He said that people need to understand that rezoning is not a one, two or three month process. After talking with some people, he said that he does not think that the problem is necessarily with the RO; the problem is with what the RO has become and how is being used. He referred to the two buildings on the corner of 67<sup>th</sup> Avenue and 80<sup>th</sup> Street, and he believes that the opposition to the change on Manor Lane has to do with what is going on in our RO area; there is overcrowding of parking, and there is over use of the area because most of the use in that area is medical. He then said that he will support RO, but that he will not be supporting having medical offices as a use in the RO. With regard to Sunset he said that there must be something that the City should study in the EAR, such as maybe taking those last few houses that face Sunset in South Miami and turn them into an RO, which is consistent with residential development, and which we can achieve by not allowing a unification of lots. By limiting the use, and not allowing a unity of title, people buying those lots and turning them into offices will have to make them with a residential aspect.

Vice Mayor Palmer indicated at this time that she would not be considering Attachment "B" because it was never even in the plan.

Commissioner Wiscombe said that after all the effort that the Commission and the City has put into traffic calming on Manor Lane, it seems ridiculous for them to start rezoning and to put office space along Manor Lane; hence, creating more traffic, more cars and more usage. Therefore, he said he will not support any type of change there. He said that there is no space to make an entrance for the property on 80<sup>th</sup> Street; with regard to Sunset, he said that families have a choice to buy and live on Sunset, and we have a choice whether or not to put office space there. He then said that he has received calls from certain speculators, and he has also received a call from Mr. Gibbs. He has refused to answer those calls because he wanted to

hear what they were going to do tonight and make a decision based on what people think and what the people that he represents think, versus what a lobbyist thinks.

At this time the Mayor called for a 5-minute break.

As the meeting reconvened, Commissioner Wiscombe continued with his presentation. He said that one of the main things to remember as they go through this process is that if they want to guarantee the quality of life in this community, then they need to look at density issues, the amount of traffic going through the neighborhoods, and the green space. All these things are very important to me, he added.

Vice Mayor Palmer said that she visited most of the areas, her last visit being 57<sup>th</sup> Court, saying that it is a beautiful area and that she strongly opposes to anything by the name of office going into that area.

Commissioner Birts-Cooper said that this process has been very difficult and it has been bothering her since it started. She said that this City cannot be multi-family only. She said that people were alarmed because of the wrong information that had been circulating. She said that she could understand how the proposed change would impact the quality of life in that particular area. She is familiar with the area and it is in deed beautiful, she added. She said she would not be supporting this tonight either because this is not what the people want.

At this time the Commission began deliberating on Attachment "A", making separate motions as they went along. Attachment "A" consisted of five columns, showing the following headings: Col. 1: Issue ID; and recommendations on the following three columns: Col. 2: EAR; Col. 3: SMHOA; Col 4: PB; Col 5: Staff).

**ISSUE ID: EAR Report, Recommendations LU-11, page 148.**

Vice Mayor Palmer **moved to remove the portion of the language following "residential properties" from the SMHOA recommendation.** The motion died for lack of seconds.

Commissioner Wiscombe said that he had a tendency to agree with the SMHOA recommendation, and that the key word under the EAR recommendation is "transitions between different uses and districts." He said that he believes that there are too many loopholes in both the EAR and staff's recommendation.

Mr. O'Donniley explained that this language has been in our plan for the last nine years and staff feels that the existing language is adequate.

Commissioner Sherar said to concur with Commissioner Wiscombe. He said that he finds the standard to be much higher in the SMHOA's recommendation language.

Commissioner Birts-Cooper said to agree with Commissioner Wiscombe.

Moved by Commissioner Wiscombe, seconded by Commissioner Sherar **to accept the SMHOA recommendation, LU-11, page 148 in the EAR Report.**

Vice Mayor Palmer said that she would not vote for it because in her opinion the language is too broad, specifically referring to "deemed necessary" which may mean different things to different people.

Commissioner Wiscombe said that if they do not allow that language in there, there are certain little pocket areas in the City that would be automatically eliminated, not allowing the Commission to deal with them later on. That is my only concern, he explained.

Commissioner Sherar said that he recognized the sanctity of the residential area; however, he concurred with Commissioner Wiscombe and with the SMHOA in the sense that there should be some flexibility.

Mayor Russell also said to agree with the new wording.

With no further comments or discussion, **the above motion was approved by a 4-1 vote:**

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
<b>Vice Mayor Palmer:</b>	<b>Nay</b>
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

**ISSUE ID: Comprehensive Plan, page 21.**

Mr. O'Donniley said that this is a Land Use Category that staff strongly supports eliminating because there has been a problem on three different circumstances that are markedly

different. This is a category that is applied to downtown; it is also applied to Madison Square, and to 62<sup>nd</sup> Avenue.

Commissioner Sherar then suggested adding a language to eliminate the category. He then suggested deferring this item to the end.

Vice Mayor Palmer said that this item did not make any sense to her. For one thing, there is no EAR recommendation, she added.

Mr. O'Donniley said that essentially the commercial retail office and multi-family residential designation is suggested to be replaced in all instances in the EAR document; so, it is not a single recommendation; it is in several different places, and the Planning Board recommends eliminating that land use category because its application varies from area to area. One area is downtown, where we think that the correct designation would be the Hometown Plan. Another one is 62<sup>nd</sup> Avenue, which the Commission would be discussing as a separate item; and the third is Madison Square, which is subject to an adopted redevelopment plan. Mr. O'Donniley further clarified that this language applies to areas which are already zoned to permit four stories; therefore, we would have a direct contradiction between the Future Land Use language and the existing zoning.

With no further comments or discussion, **this item was deferred to the end.**

#### **ISSUE ID: Area 1**

Mr. O'Donniley explained that Area 1 is 62<sup>nd</sup> Avenue; it is currently designated Mixed Use Commercial/Residential. The suggestion is to create something that will allow for a PUD.

Mayor Russell referred to the recommendations from the SMHOA and the Planning Board, adding that the two-story limit is a must, residential office or townhouse makes sense, and either of those things in a PUD setting could take care of the development and get peace of mind once and for all.

Commissioner Sherar said that this is a very small area for a PUD.

Mr. O'Donniley said that with a PUD you can have an agreement between owners to work when they have individual properties. And there are other aspects of PUD besides consolidating the use; i.e. limiting points of access, requiring special transition buffering features, and things of that



nature. He explained that we are not zoning here, we are just trying to develop a concept.

Mayor Russell said that she supports the two-story limit, mixed use and rear setback, with the opportunity for a PUD on a small parcel. That gives us an opportunity for the DCA to look at it and see if we can finally get rid of the combination of zoning on that street and do individual RO, or the PUD where we have an option to do townhouses.

Moved by Commissioner Sherar **to adopt what the Mayor recommended, except for the PUD.**

Mr. O'Donniley urged not to take the PUD out because the advantage of the PUD is that the Commission makes the decision about what actually goes in. Without the PUD, the decision will be made administratively.

Mayor Russell said that this is exactly why she wants the PUD in there.

Commissioner Wiscombe said that he wants it to come to the Commission for the fact that they should have input from the citizens in regards to what they want to see in there. We need that safeguard in there, he added.

Mayor Russell reiterated that by leaving the PUD out, they will never see again coming before the Commission what could happen on that strip.

Commissioner Birts-Cooper asked as to how the PUD would impact the newspaper building.

Mr. O'Donniley explained that with or without the PUD the building would still be non-conforming unless we recommend a zone change to incorporate that use.

Commissioner Birts-Cooper then said that she would like to recommend a zone change to take care of that use.

Mr. O'Donniley said that the greater danger would be if the building (Community Newspaper) were to be destroyed by fire or natural causes in which case it could not be rebuilt, and we have anticipated that the PUD could address that use as well.

Commissioner Sherar said that he did not wish to wait for the PUD and that the building has been there for a long time and that it needs to become conforming.

Vice Mayor Palmer said that she would not support a PUD in no shape or form. She said that she would support the recommendation by the SMHOA and the Planning Board, and suggested the combination of both languages. She then asked for clarification of the mixed use in terms of the existing use.

Mr. O'Donniley said that we do not have a zoning category that would accommodate the building at this point. We would have to create one. It either has to be a base-zone district, or a zoning requirement such as a PUD. The difference between the two is that if it is a base-zone district, once you apply the base-zone district, the Commission will not be reviewing any proposed developments; on the other hand, if it is a PUD, it has to come back to this body for approval, and the Commission gets an opportunity to conduct public hearings and review them in a public forum.

Vice Mayor Palmer asked whether in a non-conforming situation such as this, you can come before this board and make an application for a change.

Mr. O'Donniley replied that you can; the problem is that right now we do not have a zone district that would accommodate that use. We would have to create one in some fashion.

Commissioner Wiscombe then asked as to how we would go about creating a zone district.

Mr. O'Donniley said that it would be a light manufacturing activity. We have an industrial zone that is too heavy, he said, and we have a commercial zone which does not encompass light manufacturing; so we do not have the tool in our 'arsenal.'

To continue answering Commissioner Wiscombe's question, Mr. O'Donniley explained that the Commission may choose which approach they want. Either creating a base-zone district or they might want to look at it when the proposal is before them. A PUD would give you the opportunity to review it when is before the Commission.

Commissioner Wiscombe said that he does not mind what is there now. The problem is putting the light industrial for the whole strip; then we got a problem there too.

Mr. O'Donniley for clarification said that the SMHOA did not object to the PUD approach, but they did not have a strong feeling either way.

Commissioner Sherar made a motion at this time for the following language: that for Area 1 we create a new zoning

district that allows for current or existing uses plus mixed use residential/commercial, offices or townhomes, and future land use designation, with buildings limited to two stories and appropriate rear setbacks to protect the residential area.  
Commissioner Wiscombe seconded this motion.

Mayor Russell said that the proposed and seconded motion includes the future land use designation, or light manufacturing which was previously explained by Mr. O'Donniley. By allowing that designation on that street, in theory, it is possible that the entire strip could become light manufacturing.

Mr. O'Donniley explained that the designation is something that we need to develop after the transmittal. It would not necessarily have to be all designated as light manufacturing. It could be designated as townhouse/office/light manufacturing, limited to two stories with an FAR. He again reiterated that we are not creating anything; we are just creating the concept to get approval from DCA to study how to develop that; and then, it will have to come back to the Planning Board and to the City Commission for final adoption, which of course would include public hearings. The details of the developments, however, would not be reviewed by the City Commission. However, through the PUD process, the Commission could look at additional buffer, access points, or the exact design of the units. Otherwise, it will go to the review board in the future and will not come before the Commission and will not go through public hearing. The base zoning that has been suggested as an alternative, accomplishes a lot of that, but it does not leave any remaining public input mechanism.

Vice Mayor Palmer asked whether the light manufacturing designation may be strictly applied to the existing building.

Mr. O'Donniley said that it would probably be difficult without the PUD, because we would be treating differently one property owner adjacent to the other without any basis of distinction.

Commissioner Wiscombe asked whether only one business can be grandfathered in, not allowing anything else of that nature to come in.

Mr. O'Donniley said that this would be giving the particular business legal status to be there. He then explained that the legal status could be achieved through the PUD process, if it were to be in place.

At this time Mayor Russell called the question and repeated the above motion. Commissioner Wiscombe added that this is the

combination that the homeowners asked for, and this does not include the PUD.

Vice Mayor Palmer asked Mr. Figueredo to help her with the language to put her wishes together. She said that we are going to maintain two stories; we are going to allow existing businesses to continue operating on conforming status, and not allowing anybody else.

Mr. Figueredo said that his immediate reaction is that there is no legal mechanism to do what she is asking because that would require the City to act in an arbitrary manner. When a zoning district is created, and everybody has the same zoning, you cannot arbitrarily say, *parcel A* gets to continue to do it, but *parcel B* doesn't. The way you get there is with the PUD, because that requires that they come before this body and you get to approve the type of development.

Mayor Russell said that she would disagree with the motion based on the inclusion of commercial and the request for a future land use designation, and also for the lack of a PUD.

With no further discussion or comments, **the motion to approve the above motion passed by a 4-1 vote:**

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
<b>Mayor Russell:</b>	<b>Nay</b>

**ISSUE ID: Area 2**

After the presentation by Mr. O'Donniley, the Commission began the discussion.

Commissioner Sherar said that this is calling for a very intensive use in the middle of a residential area. He said that he would be proposing the same language that was adopted for Area 1, with the inclusion of a Cultural Mixed Use Land Use District, and a two-story limit.

Vice Mayor Palmer asked whether the Cultural Mixed Use is a new district.

Mr. O'Donniley said that this came about as the result of the input that the City received from the surveys that were sent to the residents last year.

Vice Mayor Palmer said that she would support part of the recommendations from the SMHOA and part of the Planning Board, and two stories, but that she would not support the PUD zone.

Commissioner Birts-Cooper said that she would support staff's recommendation because we need business in that area. We would also need some street calming to accommodate this, she added.

Vice Mayor Palmer said that she hears that 62<sup>nd</sup> Avenue may be reduced and that this will have an impact on 63<sup>rd</sup> Street. She also said that she is not in favor of three stories.

Commissioner Wiscombe concurred with the Vice Mayor on the two stories. He said that he would not be in favor of three stories because he believes that it compromises the quality of life there.

Mayor Russell asked as to why everybody is objecting to the PUD when they have been working on this for a year now at the CRA level. She said that she did not understand the fear of the PUD. The one that got out of hand preceded everyone in this Commission, but when they approved a PUD, it had finite boundaries and it was finished; there was no room for continual change, addition and growth. She said that the PUD is a wonderful way to control what happens on a large parcel, and it has plenty of public input.

Commissioner Sherar said that his objection to it is the size; he does not think is big enough. He said that with the PUD is a free, flowing experience, and just go in there and see what happens.

Mayor Russell requested clarification from Mr. O'Donniley on the above statement by Commissioner Sherar.

Mr. O'Donniley said that the PUD that was applied to Codina, for example, was specified to be mixed use and it had specific limitations, so it does not include any industrial, light manufacturing, or anything of that nature. It is limited to retail and residential. He said that there is a very good argument that anything below an acre is not appropriate for a PUD because is too small to design; however, this site exceeds an acre.

Commissioner Wiscombe said that he only wants for this site to be treated with the same concern that they treated 62<sup>nd</sup> Avenue.

Mayor Russell said that the Planning Board recommended no PUD on Area 1, but they did recommend the use of PUD on Area 2; perhaps this is because they feel differently about different projects too. She said that she is trying to include all three recommendations, EAR, Homeowners, and Planning Board, and that is what she would support: two stories, mixed use, and use of a PUD zone.

Moved by Commissioner Sherar to create a zoning district that allows for a Mixed Use district, including Commercial/Office/Residential and Neighborhood Center/Cultural, limiting to two stories with adequate setbacks to protect the residential areas. Seconded by Commissioner Wiscombe the motion passed by a 4-1 vote:

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Nay

At this time the Mayor called for a 5-minute break.

### ISSUE ID: Area 3

Mr. Youkilis presented this item. This is the Madison Square area. Staff agrees with the EAR and with the Planning Board's recommendation to study a zoning change from RS-3 to RS-4.

With no further discussion or comments, the motion to approve staff's recommendation passed by a 5-0 vote:

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

### ISSUE ID: Area 6

This item was presented by the consultant and staff.

Commissioner Sherar moved to change the first half of the block off of 71<sup>st</sup> Street where the four properties are currently

**MU-4, to be changed to MU-5, so that the block has one zoning. Seconded by Mayor Russell, the motion passed by a 5-0 vote:**

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

For the block that is between 71<sup>st</sup> Street and 70<sup>th</sup> Street and 59<sup>th</sup> Place and 61<sup>st</sup> Avenue, Commissioner Sherar **moved to study a TODD MU-4 with four stories instead of two.**

Mr. O'Donniley said to disagree, and if they do four for TODD MU-4, they need to do it across the district. This is a very small, well-defined area and there is little reason not to support TODD MU-5 in this remaining one-block area.

Commissioner Sherar **moved to have the above-delineated block on 62<sup>nd</sup> Avenue, studied for TODD MU-5.** Seconded by Commissioner Wiscombe, the **motion passed by a 5-0 vote:**

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

**ISSUE ID: Area 9**

Mr. O'Donniley presented this item.

Vice Mayor Palmer **moved to remove the entire 57<sup>th</sup> Court from the plan.**

Mayor Russell **moved a motion per Mr. O'Donniley's suggestion which is to remove from the EAR study, 57<sup>th</sup> Court from 78<sup>th</sup> Street to 80<sup>th</sup> Street.** Commissioner Sherar seconded the motion.

Vice Mayor Palmer asked for further clarification on the above motion, and the Commission discussed the location by looking at the blown up zoning map displayed in the Chambers.

Commissioner Wiscombe explained that 57<sup>th</sup> Court runs between 78<sup>th</sup> Street and 80<sup>th</sup> Street, and that the only thing that they were dealing with in this particular section (Area 9) are the two parcels located east of 57<sup>th</sup> Court.

Mayor Russell said that they were treating this just as the way they treated Area 6, by splitting it in two and voting separately because of the way the streets are configured.

Vice Mayor Palmer said that she still did not see it clear and that she would not vote on something that she did not fully understand.

Mr. O'Donniley explained the concept of voting separately on the north and south ends of 57<sup>th</sup> Court.

Vice Mayor Palmer said that the bottom line is that she does not agree with offices in that area.

With no further comments or discussion, the **motion to remove 57<sup>th</sup> Court from the EAR study, from 78<sup>th</sup> Street to 80<sup>th</sup> Street failed by a 2-3 vote:**

<b>Commissioner Wiscombe:</b>	<b>Nay</b>
Commissioner Sherar:	Yea
<b>Vice Mayor Palmer:</b>	<b>Nay</b>
<b>Commissioner Birts-Cooper:</b>	<b>Nay</b>
Mayor Russell:	Yea

At this point Vice Mayor Palmer said that she might have voted opposite of what she really intended.

Moved by Commissioner Wiscombe, seconded by Vice Mayor Palmer **to reconsider the above motion.**

On the reconsideration to drop the south end of Area 9, from 78<sup>th</sup> Street south, **the motion passed by a 5-0 vote:**

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

At this time Mr. O'Donniley presented the north end of 57<sup>th</sup> Court for the Commission's discussion.

Vice Mayor Palmer thanked Mr. O'Donniley for the explanation; however, she said that she did not think that she wanted this part to be studied either.

Commissioner Sherar **moved to adopt to study the balance of Area 9.** Seconded by Commissioner Birts-Cooper, **the motion passed by a 3-2 vote:**



<b>Commissioner Wiscombe:</b>	<b>Nay</b>
Commissioner Sherar:	Yea
<b>Vice Mayor Palmer:</b>	<b>Nay</b>
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

Moved by Commissioner Birts-Cooper, seconded by Commissioner Wiscombe, **the motion to extend the meeting for thirty minutes past 11:00 p.m. passed** unanimously by acclamation.

**ISSUE ID: Area 11**

Mr. O'Donniley presented this item. Staff agrees with the SMHOA and the Planning Board's recommendation for removing this from the study since it could set a precedent to rezone all of Sunset, effectively dissecting the City in half with an office corridor.

Moved by Commissioner Wiscombe, seconded by Vice Mayor Palmer, **the motion to remove Area 11 from the study passed by a 3-2 vote:**

Commissioner Wiscombe:	Yea
<b>Commissioner Sherar:</b>	<b>Nay</b>
Vice Mayor Palmer:	Yea
<b>Commissioner Birts-Cooper:</b>	<b>Nay</b>
Mayor Russell:	Yea

**ISSUE ID: Area 12**

Mr. O'Donniley presented this item. This is the north and east portion of Manor Lane. He said that this is a technical correction and that all existing land uses are non-conforming; therefore, staff agrees with the Planning Board which recommended that the area be studied as a possible change to RO.

Vice Mayor Palmer said that she did not think that this area needs a study, and that she has received too many messages from the residents opposing to the rezoning.

Moved by Vice Mayor Palmer, seconded by Commissioner Wiscombe **to remove Area 12 from the study.**

Commissioner Sherar said that he thinks that the area needs to be studied because with what we have now we can end up with something worse.

Mayor Russell said that she had asked staff as to why the recommendation is so strong from the consultant, the Planning Board and from staff; it seems that we are in some jeopardy or legal battle if we do not make this conforming.

Mr. O'Donniley said that there is a general rule that when zoning does not match the use, that you do not have a proper designation. There is not a single conforming lot in that study area. He said that part of what we would need to study is how the changes were approved. The real purpose of the study is not to change it but to get the facts.

Commissioner Wiscombe said that it should be removed from the study; we need to protect the quality of life as the neighbors see fit; he added that he would not be endorsing any type of study for this area.

With no further comments or discussion, the **motion to remove Area 12 from the study passed by a 5-0 vote:**

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

**ISSUE ID: Area 13**

Mr. O'Donniley presented this item. This is the American Legion Club's property. The collective recommendation from the Planning Board, the consultant and staff is for a study of RM-24 for the area.

Commissioner Wiscombe said that this is a sad situation because is the beginning of an end of an institution that has been around for a long time.

Mr. O'Donniley said that the request for the study came from the American Legion's legal representatives.

Commissioner Wiscombe said that he wants to see the request in writing. He wants a written, certified letter that the Board of the American Legion requested that to happen.

Moved by Commissioner Wiscombe, seconded by Commissioner Sherar, **the motion to remove Area 13 from the study passed by a 5-0 vote:**

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea

Vice Mayor Palmer: Yea  
Commissioner Birts-Cooper: Yea  
Mayor Russell: Yea

**ISSUE ID: Comprehensive Plan, page 21 (Cont'd)**

Mr. O'Donniley explained that this section deals with townhouse residential, residential office and duplex. He said that he met with Mr. Beckman and agreed that we would delete "two stories" and add the LU-15 language, that multi-family may be an appropriate transition, but that the height of the multi-family should take into account surrounding development.

Vice Mayor Palmer said that this appeared very confusing to her and that she would not be supporting this one.

Commissioner Wiscombe said that he does not think that four stories across from residential would be appropriate. We did not want it for 62<sup>nd</sup> Avenue so there is no consistency here.

Moved by Commissioner Wiscombe, seconded by Commissioner Sherar, **to adopt the SMHOA recommendation.**

Mayor Russell said that she was inclined to agree with Commissioner Wiscombe's proposal, that anything adjacent to residential should be two stories, but that she needed to understand what happens with the down zoning from the existing four stories to two stories.

Mr. O'Donniley said that there might be a problem with that and Mr. Figueredo concurred.

Moved by Commissioner Sherar, seconded by Commissioner Wiscombe **to extend the meeting until the end passed by acclamation by a 4-1 vote** (Vice Mayor Palmer agreed to extend the meeting for 15 minutes).

With no further discussion or comments, **the motion to adopt the SMHOA recommendation passed by a 5-0 vote:**

Commissioner Wiscombe: Yea  
Commissioner Sherar: Yea  
Vice Mayor Palmer: Yea  
Commissioner Birts-Cooper: Yea  
Mayor Russell: Yea

At this time Mr. O'Donniley began addressing Attachment "B" explaining that all of the items outlined on Attachment "B" have been introduced at the November 28, 2005 public hearing.

**ITEM A: SW 42 Terrace**

This is a resident's request to change RS-4 to RS-5.

Vice Mayor Palmer said that this was not part of the EAR document.

Mayor Russell moved to add Item A to the issues being sent forward. Seconded by Commissioners Birts-Cooper and Sherar, the motion passed by a 4-1 vote:

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
<b>Vice Mayor Palmer:</b>	<b>Nay</b>
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

In response to Vice Mayor Palmer's concern that this is not part of the EAR document, Mayor Russell explained that on this block there are a number of properties that have 8,000 sq ft and for that reason they do not meet the 10,000 sq ft requirement for expansion.

Commissioner Sherar added that if their house burn down they are not allowed to rebuild.

Vice Mayor Palmer said that sometimes one person has a problem, but they cannot tear everybody's life to accommodate one person. If the family has a sick child, maybe they cannot help him in this process because there are a lot of people in the same area. She added that if people want to change something they have to pay for it.

**ITEM B: Manor Lane at intersection of SW 80 St & US-1**

This was requested by the owner to study a change from single family land use and zoning to residential office.

Commissioner Wiscombe moved not to study this item, and Vice Mayor Palmer seconded it.

Mayor Russell said that this has not been added to the study; however, the plan that was presented to the Commission at the last hour was completely unacceptable. She said that this is not the time or place for this item.

Commissioner Sherar said that this issue is nothing new and that the whole Manor Lane area has gone before the Planning Board. A presentation was made to the Planning Board about keeping it in there for the whole thing.

Mr. Figueredo explained that a motion "not to consider" the item is not required. If no motion is made, the item is dropped, is not considered.

Commissioner Sherar moved to add Item B to the issues being sent forward. Seconded by Commissioners Birts-Cooper, the motion failed by a 2-3 vote:

Commissioner Wiscombe:	Nay
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Nay
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Nay

**ITEM C: West side of SW 63<sup>rd</sup> Court**

Requested by a property owner to change the land use designation to permit townhouse development. The zoning across the street is RT-9.

Mayor Russell said that she does not agree with RT-9, but that she is willing to look at it because the last time that it came to the Commission was to put three houses on two lots. That was shot down because it was too dense. She said that leaving the property vacant is not a solution. She reiterated that she does not want RT-9 there, is too dense.

Commissioner Sherar moved to consider Item C to be studied for RT-6.

Mr. O'Donniley advised to leave the zoning district out; we need to look at the land use designation and not presume any zone change at this point.

Commissioner Sherar withdrew the above motion. He then moved that Item C be considered to be studied to see if the current zoning is appropriate. Seconded by Mayor Russell, the motion failed by a 2-3 vote:

Commissioner Wiscombe:	Nay
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Nay
Commissioner Birts-Cooper:	Nay
Mayor Russell:	Yea

**ITEM D: Comprehensive Plan Land Use Category Amendment**

Requested by SMHOA to change the multi-family land use category to include both two and four-story buildings.

Commissioner Sherar moved to add Item D to the issues being sent forward. Seconded by Mayor Russell, the motion to consider this item passed by a 5-0 vote:

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

With no further comments or discussion, the motion to send this item forward passed by a 4-1 vote:

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
<b>Vice Mayor Palmer:</b>	<b>Nay</b>
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

**ITEM E: to study the CRA parcels in the TODD-MU-4 area as possible consideration for a residential development compatible with affordable housing.**

Commissioner Sherar then proposed to add to the study that the TODD-MU-4 area to the north and west of the sub-area No. 5 be changed to a higher residential density to determine the appropriateness of placing affordable housing there.

Commissioner Sherar moved to add Item E to the issues being sent forward.

Mayor Russell said that the concept is very interesting but that she would need to look at it and evaluate it because she needs to look at the boundaries in order to properly visualize it.

Seconded by Commissioner Birts-Cooper, the motion to send this item forward to be studied passed by a 3-1 vote:

Commissioner Wiscombe:	Nay
Commissioner Sherar:	Yea
<b>Vice Mayor Palmer:</b>	<b>Absent</b>
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

Commissioner Sherar then referred to the transportation section of the Comp Plan in terms of how to deal with parking.

Mr. O'Donniley said that what Commissioner Sherar wants is to add a policy statement.

Commissioner Sherar then moved to add a policy statement, in the transportation section of the Comp Plan, which states that parking is considered an infrastructure of new development and new developments are responsible for ensuring that all adequate parking is planned accordingly. Seconded by Mayor Russell, the motion passed by a 4-0 vote:

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
<b>Vice Mayor Palmer:</b>	<b>Absent</b>
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

Moved by Commissioner Wiscombe, seconded by Commissioners Birts-Cooper and Sherar, the motion to approve the ordinance with all the recommended changes passed by a 4-0 vote:

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
<b>Vice Mayor Palmer:</b>	<b>Absent</b>
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

## COMMISSION REMARKS

There being no further business to come before this Body, the meeting adjourned at 11:55 p.m.

Attest

Approved

  
Maria M. Menendez  
City Clerk

  
Mary Scott Russell  
Mayor

**City of South Miami  
Special City Commission Minutes  
November 28, 2005**

**CALL TO ORDER:**

The City Commission of the City of South Miami, Florida met in special session on Monday, November 28, 2005, beginning at 7:44 p.m., in the City Commission Chambers, 6130 Sunset Drive.

**A. Roll Call:**

The following members of the City Commission were present: Mayor Mary Scott Russell, Vice Mayor Velma Palmer and, Commissioners Marie Birts-Cooper and Craig Z. Sherar. Commissioner Randy G. Wiscombe was absent.

Also in attendance were: City Attorney Luis Figueredo, City Manager Maria V. Davis and City Clerk Maria M. Menendez.

**B. Invocation:** The invocation was delivered in silence.

**C. Pledge of Allegiance:**

The Pledge of Allegiance was recited in unison.

**D. Presentations:**

(NONE)

Mayor Russell opened the meeting by clarifying some misinformation with regard to Manor Lane. She said that the map that residents from Manor Lane received were sent by an anonymous source and that it was not a map that was part of the document that the Commission will be reviewing tonight. The only portion of Manor Lane that is considered in this document is called townhouse zoning, she added.

At this time the Mayor allowed the residents of Manor Lane present in the audience to speak out their concerns.

Adriana Truby requested clarification as to the specific zone change that is being proposed and how it differs from the present one. Mr. O'Donniley explained that what is being done is just recommending to study whether the townhouse designation is the appropriate designation or the residential office and body shops are.



Rick Nelson asked as to what the future impact would be to change it from RT-6 to RO. Mayor Russell said that the idea of the RO is to have individual, Key West style buildings such as the one at the corner of SW 64<sup>th</sup> and Sunset, which with its individual look blends more with the character of the residential neighborhood.

Mayor Russell said that right now we do not have all the answers to the people's concerns, and that is precisely the purpose of the study so that we will be able to estimate the impact of the zoning change.

Bob Welsh said that he is very worried about a zoning change for the Holiday Apartments going from RT-6 to RO because of the possible increase in traffic, particularly if it turns into doctors' offices.

Commissioner Sherar said that most people do not realize that RO has less density than R-3. He also said that one of the things that should be looked at is excluding uses such as *medical* on areas with the potential for change to RO.

John Palenchar asked how long the EAR process will take.

Mr. O'Donniley explained that when we turn the document in, they have 60 days to make comments; once they make comments, we have 30 days to respond to their comments. Presuming that they are happy with our response to their comments, then, we have 19 months to complete the work. The full process does include notice mailed to all adjoining property owners, signs, and public hearings; and it will require an ordinance with two readings before the City Commission.

David Tucker Sr. asked for further clarification on exactly what is being discussed with regard to Manor Lane.

Mayor Russell said that we are just talking about one section that is currently zoned for townhomes.

Jay Beckman said that any designation to RO on Manor Lane would be inappropriate.

Fred Truby said that he concurred with Mr. Beckman. He said that now that the City is finally addressing the traffic problem by installing traffic calming devices, suddenly there is a proposal for a change that could possibly increase traffic.

Harvey Bernstein said that the businesses that are currently there are fine, but that any proposed change should be for a low

density townhome designation because that is in line with what is across the street.

Yvonne Beckman said that there is enough office space in South Miami already.

Sharon McCain said that the residents of Manor Lane should attend more meetings and follow up on this issue.

Mayor Russell explained that we have tried to transmit information on this subject in many forms, such as newsletters, we have put it on our website, we have run it on newspapers, we have had a number of Planning Board hearings on it, and we have had more than the required amount of public hearings. She said that if any of this comes to fruition and a change is recommended, then the signs will be posted and the official notices will be sent to the residents.

With no further speakers, this section ended.

## **ORDINANCE (S) PUBLIC HEARING (S)**

1. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, ADOPTING AND TRANSMITTING THE 2005 EVALUATION AND APPRAISAL REPORT OF THE CITY'S COMPREHENSIVE PLAN FOR REVIEW AND COMMENT AND REQUESTING THAT THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS DELEGATE THE SUFFICIENCY REVIEW OF THE EVALUATION AND APPRAISAL REPORT (EAR) OF THE CITY'S COMPREHENSIVE PLAN TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL (SFRPC) PURSUANT TO THE PROVISIONS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATIONS ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE. 3/5

(City Manager)

Moved by Commissioner Sherar, seconded by Vice Mayor Palmer to approve this item.

The public hearing was opened at this time.

Jay Beckman presented the South Miami Homeowners Association (SMHA) Review of the City's EAR. He explained that the Report is divided between text changes and comments concerning the potential land use changes. Mr. Beckman went over the Report, explaining the reason for the recommendations and urging the Commission to take them into consideration.

Vice Mayor Palmer spoke about the importance for the language on the proposed changes to be consistent in order to avoid some of the problems we have had in the past with the differences in the interpretation of the rules.

Mr. O'Donniley explained that the plan is done first, and then you come back and address the Land Development Code to make it consistent with the plan. That is the way state law directs us to do it, Mr. O'Donniley added.

At the conclusion of the presentation of the proposed text changes, Mr. Beckman went over the proposed zoning map amendments as per the recommendations of the SMHA Report.

**(For your convenience, as reference, I have attached the SMHA Report containing staff's comments, as presented in this meeting)**

David Tucker Sr. said that he is glad that the City has been working on the EAR process for a long period of time now. He said that 62<sup>nd</sup> Avenue is a very important corridor and that any changes affecting it should be planned carefully.

Michael Miller said that with the proposed changes that are being made, the uses of his newspaper office will remain a non-conforming use. He said that they have been on that location for 30 years and that they deserve the right to be there. He said that he does not understand why, under the present regulations, he could open a video store and a real estate company, but will not be allowed to open a mortgage company. He said that he would like to be able to operate an advertising agency, a public relations firm and a mortgage company, so that he and his wife could work in the same building, but the present regulations prohibit that. He said that the 62<sup>nd</sup> Avenue issue has been going on for the past 10 years. He said that his is not a *height* issue, but a *use* issue, and urged the Commission to make the proper change so that he may operate his business the way he has been planning for a long time.

After some discussion between staff and the Commission regarding Mr. Miller's request, Mayor Russell said that if the solution is GR, perhaps we could in theory include it as part of this plan. Mr. O'Donniley agreed.

Frost Walker referred to his parcel which he said is zoned GI, and is next to a commercial area which is Dixie Highway. He then urged the Commission to take highly into consideration the judgment and recommendations of the consultants. He said that the

objections that Mr. Beckman has, even though they may have some merit, are for another time and another place.

Cal Rosenbaum commended the City Commission, the Planning Board, and Mr. O'Donniley and his staff, who have all gone through an excruciating process. He then urged the Commission to give Mr. Miller the special use permit allowing him to operate his business the way he envisions it.

Dean Whitman addressed the Commission regarding the EAR recommendations. Inaudible...

Roberto Diaz spoke about his concern with possible zoning changes on 57<sup>th</sup> Court where he lives. He asked whether there is any substantiation for these proposals and where he can find that information.

Mr. O'Donniley explained that the study areas are looked at based on logical, physical boundaries, and what development provisions may already exist; based on that, the concern is not what is there today, but how it could be redeveloped under the existing law. Before any decision is made, everything is taken into consideration such as setbacks, and how we would handle the traffic in case of redevelopment, among other facts. That is what the study is all about, he added.

Michael Scordilis said that he lives directly across the third house which could potentially be changed to RO, expressing his concern about the possible change in zoning.

Fred Riveron, another resident of 57<sup>th</sup> Court, addressed the Commission with concerns about the proposed zoning change.

James Anson urged the Commission to go ahead with the study but to be careful with the recommendations from experts who do not live in the City.

Christopher Cooke-Yarborough said that his concern is regarding 62<sup>nd</sup> Avenue. He said that there is a long history about trying to promote mixed use in that area. He said that if the concept of mixed use has not worked with the Valencia building, why it should make anybody think that it will work on 62<sup>nd</sup> Avenue.

Ms. Rothan said that she lives on the back of Ludlam Elementary, and that her concern is that if no. 11 is changed to RO, the impact on traffic would be enormous.

William Lenard, a longtime resident of the area on 62<sup>nd</sup> Court, voiced his opposition to the construction of buildings any higher than two stories on 62<sup>nd</sup> Avenue.

Yvonne Beckman said that she finds the recommended changes arbitrary. She said that there have been too many studies on the same thing already.

Attorney Jerry Proctor said to be representing Mr. Juan Quintero, owner of two lots fronting 77<sup>th</sup> Terrace. Mr. Proctor addressed the Commission by pointing to the map so that they could have a better understanding of the location of his client's properties. At the conclusion of his presentation, Mr. Proctor said that in his opinion RO is appropriate for those sites and urged the Commission to consider it.

Attorney Tucker Gibbs said that he wished to remind everybody that this is about land use and policy study in the context of the Comprehensive Plan and the EAR; the EAR process is about creating a policy or blueprint for the City. He said that he would be speaking on behalf of two property owners. One of his clients owns lots 15 and 16 on the intersection of 80<sup>th</sup> Street, Dixie Highway and Manor Lane. He said that his client's property is never going to be developed as a single family because is surrounded by commercial properties.

Moved by Vice Mayor Palmer, seconded by Commissioner Sherar, **the motion to extend the meeting for thirty minutes after 11:00 p.m. passed unanimously by acclamation.**

Mr. Gibbs then introduced Planner Alvarez who explained their plan to the Commission. Inaudible...

At the end of Mr. Alvarez' presentation, Mr. Gibbs reiterated that this is just about a study; this is not about changing the zoning or the land use. He said to the Commission that what they would be doing tonight is directing staff to include this in the EAR so that it can be looked at.

Mayor Russell had a question on the parking impact, a concern that was brought up by Manor Lane residents earlier tonight regarding changing townhouse zoning to RO, she said. Even though we assume that the change will bring less traffic, she continued, when you look at the required parking spaces, you see 4 spaces for RS-3, but 34 spaces for RO. That is 34 cars; 30 trips more through the neighborhood through the course of the day, and that is where I am having a problem with, she said.

Mr. Gibbs said that he also represents the owner of 7230 SW 63<sup>rd</sup> Court. His client is seeking the study of the west side of 63<sup>rd</sup> Street to determine whether to allow townhome developments as well on the east side of 63<sup>rd</sup> Street. Again, he introduced Mr. Alvarez to present the plan to the Commission. Mr. Alvarez' speech was again inaudible...

At this time, Vice Mayor Palmer said that her concern is as to how the case-by-case zoning, or changes will affect the entire area.

Mr. Alvarez responded. Inaudible...

Vice Mayor Palmer again questioned, as to how the changes would impact all the people around.

Mr. Alvarez responded. Inaudible...

At this time, Mayor Russell read an email with recommendations from resident Subrata Basu, addressed to the Commission through the Clerk. Mr. Basu basically refers to **Item 12**, recommending change from RT-6 to RO; and, to **Item 9**, recommending change for the parcels east of SW 57<sup>th</sup> Court from RS-3 to RO.

Angel Menendez addressed the Commission against zoning changes for no. 11.

The public hearing was closed.

Mayor Russell asked Mr. O'Donniley about the deadline for the transmittal of this document. Mr. O'Donniley said that getting into January for the final reading on this item we would be getting into dangerous waters. Mayor Russell said that there is no way that they can present a final document at the December 6<sup>th</sup> meeting. She said that they have listened and listened but they have not had a chance to have any discussion among themselves.

Mr. Figueredo said that they could defer the item until the second meeting in December. Mr. O'Donniley said that he would be out for the Holidays and would not be back until the 28<sup>th</sup>. Mr. Figueredo then said that they could defer it to the 6<sup>th</sup> and at that time set a date certain.

Moved by Commissioner Sherar, seconded by Vice Mayor Palmer, **the motion to defer this item to December 6, 2005 passed by a 3-0 vote:**

<b>Commissioner Wiscombe:</b>	<b>Absent</b>
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea
<b>Commissioner Birts-Cooper:</b>	<b>Absent</b>
Mayor Russell:	Yea

## COMMISSION REMARKS

There were no Commission remarks.

There being no further business to come before this Body,  
the meeting adjourned at 11:44 p.m.

Attest

Approved

  
\_\_\_\_\_  
Maria M. Menendez  
City Clerk

\_\_\_\_\_  
Mary Scott Russell  
Mayor

# ***Staff and Planning Board comments added!***

**South Miami Homeowners Association  
Review of**

**City of South Miami  
2005 Comprehensive Plan Evaluation  
and Appraisal Report**

**For City Commission Workshop  
November 15, 2005**



The SMHA has been involved throughout the EAR process including presentation of an EAR agenda signed by 123 of our members which agrees well with the results of the City's EAR survey results, presentation at an EAR workshop, presentation of a review and suggested changes to the EAR Draft document to the Planning Board. The Planning Board considered all of our proposed changes and approved some of them. Based on the work of the Planning Board a second review of the Draft EAR document has been completed. This review was narrowed to the issues of highest importance to the SMHA (the must have items), some of which are already addressed. The issues are as follows:

**Public Space**

- No road widening
- Continue traffic calming
- Create pedestrian and bike friendly city
- Maintain adequate park land

**Development**

- Maintain and improve existing residential neighborhoods
- Maintain proper development transition to residential neighborhoods
- Maintain human scale building height in town center (Hometown, TODD)

For each item, the applicable goals, objectives, and policies are listed with suggested revisions. The suggested revisions act to better integrate the various goals, objectives and policies; and to provide a level of detail that is necessary for the Comprehensive Plan to be truly functional. Suggested revisions for Table II.A.2 Potential Future Land Use Plan Map and Zoning Map Amendments are also given, that reflect the items listed above.

It is requested that the Commission consider all of the suggested revisions for approval. If this EAR process is to be of any value to the residents the seven "most important items" listed above must be achieved.

## Public Spaces

### No road widening

EAR Report, Recommendation T-7, page 152

"The City shall avoid road widening in order to protect neighborhoods and ~~downtown~~ business districts except for minor non-intrusive intersection improvements that foster improved traffic operations and management."

Note: The word "downtown" is not an accurate description of what is meant here. The words "downtown, midtown, and uptown" refer to major business districts of relative location. Our city has a "Town Center" that includes Hometown, TODD, and Hospital districts. If you want to refer to one of the districts that make up the Town Center than do so. The word "downtown" is poorly used throughout the Comprehensive Plan and should be changed throughout document.

***Staff- Agree***

Comprehensive Plan, Future Land Use Element, Policy 2.1.3, page 76

"Oppose street widening that would either feed more through traffic ~~into the downtown area~~ or adversely impact its pedestrian amenities in ~~downtown South Miami~~ the Hometown District."

***Staff- Agree***

### Traffic Calming

EAR Report, Recommendation T-1, page 150

"Cut-through traffic should be discouraged in residential neighborhoods through traffic calming."

***No change proposed***

### Create Pedestrian and Bike Friendly City

EAR Report, Recommendation T-15, page 152

"The City shall continue to refine and develop detailed plans for new sidewalks and bikeways as part of the Comprehensive Long Range Transportation Study, and seek funding for construction."

***Staff- Agree***

EAR Report, Recommendation T-19, page 153

"The City shall continue to refine and develop a detailed bikeway plan as part of the Comprehensive Long Range Transportation Study, and seek funding for construction."

***Staff- Agree***

### Maintain Adequate Park Land

EAR Report, Recommendation PR-1, page 157

"The City ~~should~~ shall operate a City park facilities system of at least 4 acres for every 1000 residents, and coordinate with other public and private agencies to ensure that the Level of Service standards for recreation and open space is met."

***Staff- Agree***

EAR Report, Recommendation PR-2, page 157

"The City shall undertake additional acquisition of property for recreation and open space in conjunction with all available funding options, including but not limited to grants, impact fees and required dedications."

***No change proposed***

### **Development**

#### **Maintain and Improve Existing Residential Neighborhoods**

EAR Report, Recommendation LU-1, page 146

"The City's Goal is to maintain and improve its existing neighborhoods and the quality of life of current and future residents and visitors."

***No change proposed***

EAR Report, Recommendation LU-4, page 146

"There shall be no additional intrusion of retail or business oriented uses in residential areas."

***No change proposed***

EAR Report, Recommendation LU-11, page 148

"The City shall ~~discourage major non-residential rezonings~~ not rezone single family residential properties, unless such rezoning are deemed necessary to implement adopted re-development plans, or to ensure appropriate transitions between different uses and districts."

***Staff- Staff does not agree; there could be circumstances where a zoning change is needed and warranted.***

EAR Report, Recommendation LU-5, page 147

"By 2007, the City shall enact an ordinance to establish more stringent standards for 'tear downs' and new development in established neighborhoods. The purpose of these standards shall be to ensure that such development is compatible with the scale, setbacks, and lot coverage of the surrounding neighborhood."

***No change proposed***

#### **Maintain Human Scale Building Heights in Town Center (Hometown, TODD, Hospital District) and Proper Development Transition To Residential Neighborhoods**

EAR Report, LU-3, page 146

"By 2007, the City shall revise its land development regulations to: ...."

Note: This is long so full text is not shown here. No revisions are proposed.

***No change proposed***

EAR Report, LU-10, page 147

"The City shall preserve and enhance the Hometown District. The City shall continue to foster the area's redevelopment as a vibrant, walkable, mixed-use Town Center in accordance with the adopted Hometown Plan, Community Redevelopment Agency plans, and other specific plans that may be adopted by the City." Such development shall not adversely impact surrounding development and neighborhoods using criteria established in Policy 1.1.2."

*Staff- Agree*

EAR Report, LU-13, page 148

"The Transit Oriented Development districts have been established, and development and redevelopment in these districts shall not adversely impact surrounding development and neighborhoods."

*No change proposed*

EAR Report, LU-15, page 148

"The City shall maintain and expand, as appropriate, the Transit Oriented Development districts delineated on the Future Land Use Plan Map and Zoning Map. Development ~~and redevelopment~~ in Transit Oriented Development Districts shall occur in accordance with adopted development ~~and redevelopment~~ plans and the land development regulations. Such development ~~and redevelopment~~ shall not adversely impact surrounding development and neighborhoods using criteria established in Policy 1.1.2."

Note: Redevelopment is included in development. Revision is less wordy and clearer.

*Staff- Agree*

EAR Report, Recommendation LU-22, page 149.

Add to the Mixed Use Commercial / Residential (Hometown) and Transit-Oriented Development Categories.

"The height of buildings and densities shall be contingent on the ability of the developer to ensure appropriate transitions ~~and buffers, and compatibility~~ with the surrounding neighborhood using criteria established in Policy 1.1.2."

*Staff- Agree*

Comprehensive Plan, Future Land Use, Policy 1.1.2, page 70

"In reviewing proposed amendments to this plan and the Zoning Map, and allowable building height and density in the Hometown and Transit-Oriented Development Future Land Use Categories, compatibility with adjacent uses and development shall be the major determinant using the following criteria:

- Building height limits in the Hometown and Transit-Oriented Development Future Land Use categories shall not exceed those given in the adopted Hometown Plan and Hometown Two Plan.
- Create a transition in building height with surrounding buildings.
- Establish Future Land Use categories and Zoning districts at locations as given in their descriptions to create appropriate transitions between single family use and more intense uses.
- For small areas where it is not practical to establish a designated transitional land use between single family zones and more intense development, building height and buffers shall be consistent with the common transitions throughout the city.
- Maintain good traffic management that does not adversely affect the neighborhood.
- Consider the ability of the City to maintain adequate Level of Service for park land and open space.

Note: Specific criteria is necessary in order for LU-22 and Policy 1.1.2 above to function properly.

*Staff- Agree*

Comprehensive Plan, page 21 (No reference in EAR document)

Add to Future Land Use Category descriptions

For Duplex Residential, Townhouse Residential, Residential Office add:

"This Land Use category is appropriate for use as a transition from the single family category to more intense development or major roads, including abutting single family property."

For Commercial Retail and Office, and Multi-family residential add:

"This Land Use category may be appropriate for use as a transition from the single family category to more intense development on major roads when limited to two stories and located across a road from single family properties."

*Staff- Does not agree; reference to two stories should be removed as it is a zoning issue.*

Comprehensive Plan, Future Land Use Policy 1.4.1, page 73

"The City shall utilize mixed land use zoning categories where appropriate to achieve creative development in the transition areas between commercial and residential and to achieve the goals set forth in the public charrettes."

Note: To require mixed land use for all transitional areas is too restrictive to be practical.

There may be some areas where it would work well and some areas where it would not.

*Staff- Agree*

## Table II.A.2. Potential Future Land Use Plan Map and Zoning Map Amendments

The Consultant Recommendations are acceptable except as noted below.

### AREA

1. Only two stories is acceptable, as recommended by the residents and Planning Board. Allow Residential Office or Townhouse.  
*Planning Board—supports two story limit, mixed use and rear setback; no PUD.*  
*Staff- Does not agree; height should be based upon the depth of a lot.*
  
2. Three story is not appropriate because this will put pressure for further rezoning of single family lots and create more traffic on 64 Street which is a Collector road rather than an Arterial. Planning Board recommends two stories.  
*Planning Board—supports two story limit, mixed use and use of a PUD zone.*  
*Staff- Does not agree; an adequate transition made up of streets and non-residential development exists.*
  
3. Depends on number of non-conforming lots and degree of non-conformance.  
*Planning Board- agree, area to be studied for RS-4 change*  
*Staff—agree; data on extent of non-conformity already provided;*  
*SPECIAL NOTE: staff supports a study of the RS-4 area in the vicinity of SW 42 Terrace as a possible RS-5 change, and a study of other RS areas where there is a high number of non-conforming lots.*
  
6. No. MU-5 (8 story) zoning is appropriate only for buildings that front Sunset Drive or 62 Avenue south of 70 Street, and only with a step back above the fourth story. We need a new zoning designation that is intermediate between MU-4 (2 story) and MU-5 (8 story).  
*Planning Board-Adopt change as proposed by consultant*  
*Staff-Does not agree*
  
9. Maybe, depends on details. Be careful about rezoning any single family lots.  
*Planning Board- Failed to adopt a motion to keep RS-3 (3-3 tie vote)*  
*Staff- agrees, careful study of the area must be done*
  
11. The Consultant, the Planning Board, and many residents at the workshops strongly recommended no for this proposal. The SMHA concurs for the following reasons: If allowed to continue, this kind of rezoning will incrementally destroy single family neighborhoods and isolate neighborhoods from each other. Single family housing is a viable use at these locations as all of the parcels abut other single family parcels on at least one side. A fence around these properties may be needed for families with small children, but this is the case for houses located along all of the arterials and collector streets in the city. Also note that successful and expensive single family housing is located along Bird Road and Legune Road (both 4 lane arterials) in Coral Gables. A good analysis of this area is given in the Comprehensive Plan, page 7, which states: "Sunset Drive from S.W. 64th Court west to the Brewer Canal on the south and to 66th Avenue on the north shall remain single-family residential. Sunset Drive from 68th Avenue to the western city limits shall remain single-family residential. Pressures to

change the designation of these portions of Sunset Drive from single-family to some other use have already been experienced. Single-family designations along major thoroughfares have been implemented, tested in court and approved in other jurisdictions."

***Planning Board- adopted a motion that this proposal should not be studied and removed from the EAR.***

***Staff- Agrees***

12. NO. Although all of the current uses are commercial and non-conforming, they are not at an appropriate location. Leave Townhouse designation because it is the most suitable for re-development in the long run, and be less concerned with eliminating non-conforming uses in the short run. A good analysis of this area is given in the Comprehensive Plan, page 7, which states: "Parcels fronting on the southeast side of Manor Lane from Brewer Canal north to S.W. 74th Street shall not be developed at greater densities or with more intensive uses than are currently in place. The area presently contains multifamily and office uses. These uses are not compatible with the single-family residential character of the neighborhood to the north and west. They should not be expanded or rebuilt if destroyed. A two-family townhouse or similar land use designation for these parcels is an appropriate compromise between the existing use and intensity of the parcels and the character of the single-family area of which they are a part."

***Planning Board- adopted a motion that the area should be studied as a possible change to RO.***

***Staff- Does not agree; this is a technical correction; all existing land uses are non-conforming. Change to RO should be studied.***

13. Yes, with modification. The Multi-Family Residential Future Land Use Category which includes both the RM-18 and RM-24 zoning districts is appropriate. The 24 units / acre allowed by RM-24 zoning is appropriate because the site is located adjacent to two other RM-24 sites. But the four story, 50 feet building height allowed by RM-24 is not appropriate because the site is surrounded by mostly one and two story buildings including a single family neighborhood on one side. Recommend RM-24 zoning with a two story restriction or RM-18 zoning, which allows 18 units / acre and a two story height.

***Planning Board – adopted a motion supporting the study of RM-24 for the area.***

***Staff- Does not agree***

### Sign In Sheet

**PRINT NAME**

(Please DO NOT sign)

**Address**

Tel #

Email address

[illegible]



**City of South Miami  
Regular City Commission Minutes  
November 15, 2005**

**CALL TO ORDER:**

The City Commission of the City of South Miami, Florida met in regular session on Tuesday, November 15, 2005, beginning at 7:41 p.m., in the City Commission Chambers, 6130 Sunset Drive.

**A. Roll Call:**

The following members of the City Commission were present: Mayor Mary Scott Russell, and, Commissioners Randy G. Wiscombe, Marie Birts-Cooper and Craig Z. Sherar. Vice Mayor Velma Palmer arriving after roll call.

Also in attendance were: City Attorney Luis Figueredo, City Manager Maria V. Davis and City Clerk Maria M. Menendez.

**B. Invocation:** The invocation was delivered in silence.

**C. Pledge of Allegiance:**

The Pledge of Allegiance was recited in unison.

**D. Presentations:**

(NONE)

**ITEMS (S) FOR THE COMMISSION'S CONSIDERATION:**

**1. Approval of Minutes:**

a) Minutes of October 18, 2005 *(Deferred 11/01/05)*

Moved by Commissioner Wiscombe, seconded by Commissioner Sherar, the motion to approve the minutes of October 18, 2005 passed by a 4-0 vote:

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
<b>Vice Mayor Palmer:</b>	<b>Absent</b>
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

b) Minutes of October 10, 2005

Moved by Commissioner Wiscombe, seconded by Commissioner Birts-Cooper, the motion to approve the minutes of October 10, 2005 passed by a 4-0 vote:

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
<b>Vice Mayor Palmer:</b>	<b>Absent</b>
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

**c) Minutes of October 26, 2005**

Moved by Commissioner Wiscombe, seconded by Commissioner Birts-Cooper, the motion to approve the minutes of October 26, 2005 passed by a 4-0 vote:

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
<b>Vice Mayor Palmer:</b>	<b>Absent</b>
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

**2. City Manager's Report:**

a) Expenditure report for Hurricane Wilma

There were no questions for the City Manager regarding the expenditure report for Hurricane Wilma.

Commissioner Wiscombe asked for an update on the downtown signs that were damaged during the Hurricane. He also referred to the red paint marks that FPL left on the Municipal Parking. He also said that the downtown trash receptacles were full over the weekend.

Ms. Davis said that we are trying to clean up the debris first, and the stop signs are the responsibility of Dade County.

Commissioner Sherar referred to the dumpster behind City Hall which he has seen overflowing with trash. He said that we should abide by the same rules that we impose on the businesses on Commerce Lane.

With no further comments, the City Manager's Report concluded.

**2. City Attorney's Report:**

Mr. Figueredo reported on Abdulla vs. The City of South Miami. The final date has been set for January 5, 2006 and at that time the City should get approximately \$182,000 plus some interest. This is according to the court ruling today.

With no further comments, the City Attorney's Report concluded.

Mayor Russell requested to set a date to meet with representatives of FPL and our residents. A tentative date was set for Wednesday, January 4, 2006. Commissioner Sherar said that he would be out of town at that time.

Commissioner Wiscombe said that he is also interested in having a discussion with FPL about the much needed upgrades and the possibility of putting the cables underground.

Mayor Russell then acknowledged the presence of a group of journalism students in the audience.

### **PUBLIC REMARKS**

David Tucker Sr. addressed the Commission with regard to Veterans' Day.

Silvia Silveira addressed the Commission regarding the petition for abandonment of SW 50<sup>th</sup> Street. Ms. Silveira is one of the petitioners and urged the Commission to make an informed decision and to take into consideration the fact that those against the request are not even South Miami residents.

Bob Welsh spoke regarding the traffic and tree situation after the hurricane. He said that it would be helpful to have red color traffic lane reflectors at each intersection where there is a traffic light. This will alert motorists approaching an intersection in the absence of the actual light during hurricane season. He also said that pruning trees at the beginning of summer would avoid the situation that we experienced this year with so much damage caused by trees knocking down electric cables.

Annette Vergara spoke in favor of the request for the abandonment of SW 50<sup>th</sup> Street.

Sharon McCain referred to the trash issue, saying that where she lives the trash has not been picked up for four weeks.

Cathy McCann spoke regarding the loss of electricity during the hurricane. She said that trees planted on FPL easements should not be allowed to grow higher than twenty feet.

Mayor Russell explained that they are not having a meeting with FPL just to talk about underground cable; they want to talk about the antiquated system and other issues that are safety related. This meeting will be about the whole system as it relates to the City of South Miami and bringing the equipment up to current standards so that the restoration can be implemented as quickly as possible.

Frank Cuzzocrea said that talking to FPL will be of little use because FPL is a monopoly and we have no choice in that respect. He said that the only thing to do is to give incentives to Tallahassee so that they end the monopoly.

With no further speakers the public remarks were closed.

Mayor Russell, with the consent of the Commission, moved items 11, 12, 13, 14, 15 and 17 to be heard following the Consent agenda.

At this time Commissioner Sherar pulled item no. 6 from the Consent Agenda (now item no. 9).

## **CONSENT**

### 145-05-12124

4. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH MIAMI-DADE COUNTY DEPARTMENT OF HUMAN SERVICES FOR THE PROVISION OF WEEKEND MEALS FOR THE ELDERLY RESIDENTS OF THE SOUTH MIAMI SENIOR CENTER AND ACCEPT THE GRANT AWARD OF \$23,000 FROM THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS FY 2005-2006 SOCIAL SERVICES FUNDING; PROVIDING AN EFFECTIVE DATE. 3/5

*(This item carried forward from 11/01/05)*

*(City Manager)*

### 146-05-12125

5. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO DISBURSE THE SUM OF \$22,758 FROM ACCOUNT NUMBER 001-1340-513-3450 TO USA SOFTWARE, INC. FOR THE

RENEWAL OF THE 2005/06 SUPPORT/MAINTENANCE AGREEMENT  
FOR THE POLICE DEPARTMENT'S COMPUTER SOFTWARE;  
PROVIDING FOR AN EFFECTIVE DATE. 3/5

(City Manager)

147-05-12126

6. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE ONE 2006 4X2 REGULAR CAB FORD RANGER PICKUP TRUCK FROM PLANTATION FORD IN THE AMOUNT OF \$11,516.50 TO BE CHARGED TO THE CODE ENFORCEMENT DEPARTMENT'S OPERATING EQUIPMENT ACCOUNT NUMBER 001.1640.524.6430; PROVIDING FOR AN EFFECTIVE DATE. 3/5

(City Manager)

148-05-12127

7. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, RELATING TO ELECTIONS; PROVIDING FOR DELEGATION OF RESPONSIBILITY OF THE CANVASSING COMMITTEE; PROVIDING AN EFFECTIVE DATE. 3/5

(Mayor Russell)

149-05-12128

8. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES FOR NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF \$16,745.05; CHARGING \$16,745.05 TO ACCOUNT NO. 001-1500-514-3410, LEGAL SERVICES, NON-RETAINER; PROVIDING AN EFFECTIVE DATE. 3/5

(City Attorney)

Moved by Commissioner Wiscombe, seconded by Commissioner Sherar, the motion to approve the Consent Agenda passed by a 4-0 vote:

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Out of the Room

**RESOLUTION (S)**

150-05-12129

9. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, RELATING TO ORDINANCE 16-

05-1838 AUTHORIZING THE CITY MANAGER TO OBTAIN FINANCING TO PURCHASE THE YMCA PROPERTY LOCATED AT 4300 SW 58<sup>TH</sup> AVENUE IDENTIFYING THE LENDER AND PROVIDING FURTHER CLARIFICATION OF SEC. 1 OF ORDINANCE 16-05-1838 RELATING TO THE SPECIFIC TERMS AND CONDITIONS OF THE LOAN AND PROVIDING FOR AN EFFECTIVE DATE. 3/5

(Deferred 11/01/05)

(City Manager)

Moved by Commissioner Wiscombe, seconded by Commissioner Birts-Cooper to approve this item.

Commissioner Sherar said that he has a concern because there is no mechanism in place requiring an impact fee for any new project that comes into town.

Mr. O'Donniley said that the EAR document contains discussion and recommendation that we pursue impact fees. He added that he has had discussions with Mr. Proctor and Mr. Gibbs concerning contributions on both of their projects.

Ms. Davis explained that as far as the loan amount, the City is responsible for a quarter of a million dollars. With the Bank pulling out, we are going to have to borrow additional dollars that the Bank would have taken care of, in order to purchase the property. That is the only real change as far as the acquisition of the property, Ms. Davis added. She said that this will not impact the budget this year, but it will impact it next year.

Commissioner Sherar asked whether after passing this ordinance, could they pass another ordinance between now and February to relieve the taxpayers of the burden of acquiring a property the developers are going to use to meet park concurrency in the future.

Commissioner Wiscombe said that he has also asked the City Attorney about drafting such an ordinance.

Mayor Russell clarified that thirty days after closing we will get over \$1.3 million from the County and there will be no pre-payment penalty.

With no further comments or discussion, the motion to approve this item passed by a 5-0 vote:

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea

Commissioner Birts-Cooper: Yea  
Mayor Russell: Yea

**ORDINANCE (S) THIRD READING PUBLIC HEARING (S)  
(NONE)**

**ORDINANCE (S) SECOND READING PUBLIC HEARING (S)**

40-05-1862

10. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE A 2006 REAR STEER LOADER (KNUCKLE-BOOM CRANE/LOADER), A 2006 26-CUBIC YARD TRASH TRUCK AND A 2005 UTILITY TRUCK, AT A TOTAL COST OF \$225,376.09 WITH THE FIRST YEAR'S INSTALLMENT PAYMENT OF FIVE PAYMENTS NOT TO EXCEED \$45,075.22 TO BE CHARGED TO THE PUBLIC WORKS DEPARTMENT LEASE PURCHASE - TRUCKS ACCOUNT NUMBERS 001-1720-534-4455 AND 111-1730-541-4455; PROVIDING FOR SEVERABILITY, ORDINANCES IN CONFLICT, AND AN EFFECTIVE DATE. 3/5

*(This item carried forward from 11/01/05)*

**(City Manager)**

Moved by Commissioner Sherar, seconded by Commissioner Wiscombe to approve this item.

Ms. Davis presented this item.

The public hearing was opened and closed with no speakers.

With no Commission discussion, this item **passed by a 4-0 vote:**

<b>Commissioner Wiscombe:</b>	<b>Out of the Room</b>
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

41-05-1863

11. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIVE YEAR AGREEMENT WITH

THYSSENKRUPP ELEVATOR CORP. FOR MAINTENANCE OF ELEVATORS FOR THE AMOUNT OF \$20,100 WITH THE FY 2005-06 SERVICE FEE OF \$4,020 TO BE CHARGED TO PUBLIC WORKS DEPARTMENT ACCOUNT NUMBER 001-1710-519-4670; PROVIDING FOR SEVERABILITY, ORDINANCES IN CONFLICT, AND AN EFFECTIVE DATE. *(This item carried forward from 11/01/05)* 3/5  
(City Manager)

Moved by Vice Mayor Palmer, seconded by Commissioner Sherar to approve this item.

Ms. Davis presented this item.

The public hearing was opened and closed with no speakers.

With no Commission discussion, this item **passed by a 4-0 vote:**

Commissioner Wiscombe:	Out of the Room
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

42-05-1864

12. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA RELATING TO GARBAGE AND TRASH; AMENDING SECTION 11-23(a) OF THE CODE OF ORDINANCES ENTITLED "REFUSE COLLECTION FEE SCHEDULE; PROVIDING FOR SEVERABILITY, ORDINANCES IN CONFLICT, AND AN EFFECTIVE DATE. 3/5

*(This item carried forward from 11/01/05)*  
(City Manager)

Moved by Vice Mayor Palmer, seconded by Commissioner Birts-Cooper to approve this item.

Ms. Davis explained that this is the final reading of an ordinance to amend our fee schedule for refuse collection in accordance with direction at our budget workshop.

The public hearing was opened.

Bob Welsh asked how many cubic yards of bulk waste is a half truck, and how many cubic yards is a full truck.

Ms. Davis explained that we do not pay by the cubic yard. We pay by the ton. Public Works Director, Mr. Balogun said that



generally, the standard size of a truck we use is 25-cubic yards.

With no further speakers, the public hearing was closed.

Commissioner Sherar pointed out to the language for the fee schedule, lines 35-38, page one, of the proposed ordinance, which he found confusing.

Moved by Commissioner Sherar, seconded by Commissioners Wiscombe and Birts-Cooper, **to amend the ordinance as follows:**

Trash pickup in excess of ½ truck load **is to be charged at \$156. per ½ truck load or any part thereof** ~~and less than a full truck load;~~

Strike line 37;

Line 38 to read: Each **appliance** ~~special bulk trash pickup~~ \$50./**per appliance.**

Seconded by Commissioner Wiscombe, **the motion to approve this item as amended passed by a 5-0 vote:**

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

## **RESOLUTION (S)/PUBLIC HEARING (S) (NONE)**

## **RESOLUTION (S) (Cont'd)**

151-05-12130

13. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA APPROVING THE ABANDONMENT OF AN UNIMPROVED RIGHT-OF-WAY PORTION FOR FUTURE VEHICLE ACCESS OF SW 50 STREET LOCATED BETWEEN SW 63<sup>RD</sup> AVENUE AND THE CORPORATE LIMIT LINE OF THE CITY OF SOUTH MIAMI; SAID ABANDONMENT SUBJECT TO THE CONTINUANCE OF THE EXISTING UTILITY EASEMENTS AND GENERAL PEDESTRIAN ACCESS; PROVIDING FOR AN EFFECTIVE DATE.

*(This item carried forward from 11/01/05)*

3/5

**(City Manager)**

Moved by Vice Mayor Palmer, seconded by Commissioner Sherar to approve this item.

Commissioner Sherar opened the discussion by referring to another request for abandonment of right-of-way which was approved by the City Commission back in June of this year.

Mayor Russell then referred to the proposed resolution, explaining the various amendments that she said she would like to propose. She also referred to an issue that Commissioner Sherar brought up at the last meeting with regard to the GPS (Global Position System) that wrongly shows SW 50<sup>th</sup> Street as a through street, which is not, and this could be life threatening. She said that this should be corrected both at the City and County levels. Mayor Russell also said that our maintenance of the property would need to take effect immediately.

Commissioner Wiscombe said that he wants to see people being able to continue to stroll through the property, as opposed to fences going up which is conducive of becoming less friendly and more into ourselves. He said that he would support the Mayor's proposed amendments.

Moved by Commissioner Sherar to amend the resolution as follows: (1)line 45, Sec. 1: That all of the land east of the line extending south from the west boundary of 4990 SW 63<sup>rd</sup> Avenue, shown as...; (2)line 2, page 2: as a street for vehicle usage (egress and ingress) to the abutting property owners in accordance with the law; (3)line 5, Sec. 2: The City shall retain ownership of the unimproved right-of-way and control of, all existing utility easement will remain in effect, located thereon and the open space. The motion died for lack of seconds.

Mr. Figueredo, addressing both the concerns of Mayor Russell and Vice Mayor Palmer, explained that the proposed resolution as presented is in accordance with the law.

Moved by Mayor Russell, to amend the resolution as follows: (1)line 32: all which could be removed if the property was vacated and conveyed to each adjoining property owner; and; (2)line 39: could will; (3)line 40: and, landscaping, and regular police patrols; (4)add that the City will assume immediate assumption of maintenance of the property; and, (5)add a section providing that this resolution is to be forwarded to the County Emergency Management Systems (EMS) for requesting an update. Seconded by Commissioner Wiscombe, the motion to amend passed by a 4-1 vote:

Commissioner Wiscombe:	Yea
<b>Commissioner Sherar:</b>	<b>Nay</b>
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

With no further comments or discussion, the motion to approve this item as amended passed by a 4-1 vote:

Commissioner Wiscombe:	Yea
<b>Commissioner Sherar:</b>	<b>Nay</b>
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

**14. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, ENCOURAGING THE COUNTY TO LIFT THE COUNTY-WIDE CURFEW IMPOSED FOLLOWING HURRICANE WILMA; AND PROVIDING FOR AN EFFECTIVE DATE.**

*(This item carried forward from 11/01/05)* 3/5  
**(Commissioner Sherar)**

Moved by Commissioner Sherar, seconded by Vice Mayor Palmer to approve this item.

Commissioner Sherar presented this item. In order to update some of the provisions on the proposed resolution, he **moved the following amendments** by inserting: (1)to never impose a county-wide curfew following a hurricane; (2)line 26, Sec.1: there shall be no curfew in the City of South Miami after a hurricane; (3) line 30, Sec.3: a county imposed. **The motion died for lack of seconds.**

Vice Mayor Palmer said that passing this resolution could be dangerous since it would turn the City into basically the only free zone around for everybody to come here. She said that the purpose of the curfew is for protection and is necessary. She added that everybody should make an effort to become prepared ahead of a hurricane.

With no further comments or discussion, the motion to approve this item failed by a 1-4 vote:

Commissioner Wiscombe:	Nay
<b>Commissioner Sherar:</b>	<b>Yea</b>
Vice Mayor Palmer:	Nay

Commissioner Birts-Cooper:      Nay  
Mayor Russell:                      Nay

**ORDINANCE (S) FIRST READING PUBLIC HEARING (S)  
(NONE)**

**ORDINANCE (S) FIRST READING**

15. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA RELATING TO THE YEAR 2006 GENERAL ELECTION OF THE MAYOR AND CITY COMMISSIONERS FOR GROUPS, I AND IV; SCHEDULING THE DAY, PLACE AND TIME OF THE ELECTION; PROVIDING FOR QUALIFICATION OF CANDIDATES; PROVIDING FOR CLOSE OF ELECTION BOOKS; APPROVING THE OFFICIAL BALLOT; PROVIDING FOR NOTIFICATION; PROVIDING FOR SEVERABILITY, ORDINANCES IN CONFLICT, AND AN EFFECTIVE DATE. 3/5

*(This item carried forward from 11/01/05)*

**(Mayor Russell)**

Moved by Vice Mayor Palmer, seconded by Commissioner Wiscombe to approve this item.

Mayor Russell explained that this is just standard procedure so that the City Clerk can notice the time and date of the election.

With no further comments or discussion, the motion to approve this item passed by a 5-0 vote:

Commissioner Wiscombe:      Yea  
Commissioner Sherar:        Yea  
Vice Mayor Palmer:          Yea  
Commissioner Birts-Cooper:   Yea  
Mayor Russell:                Yea

16. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE YEAR CONTRACT WITH KOCH FINANCIAL CORPORATION IN THE AMOUNT OF \$97,643.24 IN ORDER TO FINANCE THE PURCHASE OF A CITY-WIDE COMPUTER SYSTEM SOFTWARE UPGRADE FROM SUNGARD HTE SOFTWARE AND TECHNOLOGY SOLUTION; CHARGING MONTHLY PAYMENTS IN THE

AMOUNT OF \$2,712.31 TO THE MIS MAINTENANCE-INTERNET  
SOFTWARE ACCOUNT NUMBER 001.1340.513.4634; PROVIDING FOR  
SEVERABILITY, ORDINANCES IN CONFLICT, AND AN EFFECTIVE  
DATE. 3/5

(City Manager)

Moved by Commissioner Sherar, seconded by Commissioner  
Wiscombe to approve this item.

Ms. Davis presented this item.

With no further comments or discussion, the motion to  
approve this item passed by a 5-0 vote:

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

## **ORDINANCE (S) SECOND READING PUBLIC HEARING (S)** **(Cont'd)**

17. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE  
CITY OF SOUTH MIAMI, FLORIDA, ADOPTING AND TRANSMITTING  
THE 2005 EVALUATION AND APPRAISAL REPORT OF THE CITY'S  
COMPREHENSIVE PLAN FOR REVIEW AND COMMENT AND  
REQUESTING THAT THE FLORIDA DEPARTMENT OF COMMUNITY  
AFFAIRS DELEGATE THE SUFFICIENCY REVIEW OF THE  
EVALUATION AND APPRAISAL REPORT (EAR) OF THE CITY'S  
COMPREHENSIVE PLAN TO THE SOUTH FLORIDA REGIONAL  
PLANNING COUNCIL (SFRPC) PURSUANT TO THE PROVISIONS OF  
THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND  
DEVELOPMENT REGULATIONS ACT; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR ORDINANCES IN CONFLICT; AND  
PROVIDING AN EFFECTIVE DATE. 3/5

(City Manager)

Moved by Commissioner Sherar, seconded by Commissioner  
Wiscombe to approve this item.

Mayor Russell announced that those who could not make it to  
this meeting to speak out will have an opportunity on the third  
public hearing being scheduled for November 28, 2005.

Mr. O'Donniley explained that there are two main elements to this plan. Chapter 5 is key for finding a summary of recommendations beginning on page 145 which deals with recommendations for future land use; it also addresses transportation. The second major element was looking at study areas on the map, not necessarily committing to making changes, but rather to study whether a change is appropriate or not. He then said that staff has been asked to look at dimensional requirements for the different districts; and proceeded to distribute such information to the Commission. At this time the consultant asked the Commission not to use the map in their handout, but to follow the map in their book which is the correct one.

The public hearing was opened at this time.

Reynaldo Castellanos, an attorney representing Mr. and Mrs. Falcon addressed the Commission. Mr. Castellanos explained that his clients are one of many property owners within the City of South Miami who own lots which became non-conforming when the City adopted its land development code. They own a lot of record with a 50-foot frontage that is within an RS-4, which requires 60-foot frontage. The lot was platted with 50-foot frontage and became non-conforming when it was designated as RS-4. He said that it should have been looked at more carefully and designated as RS-5 instead, but RS-5 did not exist then. Mr. Castellanos continued addressing the Commission with further detail on the subject. He finally said that he hopes that this issue can be addressed and resolved.

Commissioner Sherar referred to area 3 with proposed changes to RS-3 and RS-4, asking whether they should consider including RS-5 also. Mr. O'Donniley said that the key is that we need to look at it as a zoning issue.

Mayor Russell said that there are so many issues in their package that are strictly zoning issues that we have taken up, asking as to why treat this neighborhood any differently. Mr. O'Donniley said that when we were initially approached, all the study areas looked to be land use issues.

Jimmy Garces said that he has been a homeowner for twenty years and is now in a stage where he needs to grow for the sake of his family; he has a child with special needs who need special attention. He expressed concern because the rezoning process may take a few years.

Mr. O'Donniley explained that we do not recommend a zoning change without an analysis.

Cathy McCann referred to 57<sup>th</sup> Court under number 9 on the map, which is now RS-3, asking what it might be in the future land use map. Mr. O'Donniley explained that this is just a proposal for a study to consider certain lots east of 57<sup>th</sup> Court for re-designation to RO. Ms. McCann then voiced her objection to change from single family to RO. She also referred to area no. 11 and urged the Commission not to change that area to RO either.

Sharon McCain asked for clarification of the 57<sup>th</sup> Court location referred above.

Beth Schwartz urged the Commission not to allow commercial sprawl on 62<sup>nd</sup> Avenue.

At this time Commissioner Wiscombe, as per the Mayor's request, moved to extend the meeting until all the speakers were heard. Seconded by Commissioner Birts-Cooper, **the motion to extend the meeting passed by a 4-1 vote:**

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
<b>Vice Mayor Palmer:</b>	<b>Nay</b>
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

Jorge Milian spoke against three-story buildings on 62<sup>nd</sup> Avenue.

Bob Welsh spoke against any rezoning that would result in encroaching on 62<sup>nd</sup> Court.

Donna Fries also expressed opposition to any type of rezoning that would increase traffic through residential neighborhoods. She also mentioned garbage trucks that run through residential neighborhoods at 5:30 in the morning.

Commissioner Wiscombe requested to be informed of the name of the garbage trucks running at 5:30 in the morning mentioned by the above speaker, because there is a restriction about the time that they may operate in the City.

Edith Landowne spoke against buildings any higher than two stories on 62<sup>nd</sup> Avenue.

With no further speakers, the public hearing was closed.

Mayor Russell referred to the South Miami Homeowners Association Comprehensive Review, briefly going over the outlined recommendations, commenting that the entire report has

merit. The recommendations include the importance of delineating the different business districts and establishing a clear definition of each one of them. She continued to discuss other points of the report, such as traffic calming, and creating pedestrian and bike friendly paths. Another important point recommended in the report refers to future land use categories that create appropriate transitions between single family categories to more intense development. Adequate level of service for parkland and open space is another important point. Referring to non-conforming areas in number 12, she said that she does not understand why we are not taking this opportunity to address these things now. She then referred back to number 6, saying that when this item is back to be presented in full, she will need a better explanation with regard to the inconsistency in building heights that front Sunset Drive or 62<sup>nd</sup> Avenue south of 70 Street. Referring to number 13, on page 7, she said this needs to be explained to her better because that recommendation seems to be conflicting.

Commissioner Sherar referred to RO zoning, particularly to 57<sup>th</sup> within area 9, saying that the analysis of that area needs to be looked at very carefully. About area 13, he said that he does not believe that we should change that to residential RT.

The discussion concluded and there was no vote on this item. a Third Reading was scheduled for Monday, November 28, 2005 at 7:30 p.m.

## **RESOLUTION (S)**

### **(Cont'd)**

152-05-12131

18. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA RELATING TO THE FEBRUARY 14, 2006 GENERAL ELECTION OF THE MAYOR AND CITY COMMISSIONERS FOR GROUPS, I AND IV; PROVIDING FOR ADDITIONAL LABOR HOURS TO CONDUCT EARLY VOTING IN THE AMOUNT OF \$3,920.50 TO BE CHARGED TO BE CHARGED TO ACCOUNT NO. 011-1200-512-4920 "ELECTIONS"; AND PROVIDING AN EFFECTIVE DATE. 3/5

(Commissioner Wiscombe)

Moved by Commissioner Wiscombe, seconded by Commissioner Birts-Cooper to approve this item.

Commissioner Wiscombe presented this item. He asked for support of early voting to be conducted for three days. He said



that a lot of people appreciate the convenience of having these extra days for voting and not having to rush on election day.

Mayor Russell thanked the City Clerk for her diligence in trying to reduce the fees for early voting, and for the back-up information for this item.

Commissioner Sherar spoke against conducting early voting. He said that after comparing election results over the past six years, early voting might not have a big impact on vote turn out. He believes that there should be only one day for voting. Elections should be something special, he added.

Commissioner Wiscombe said that he believes that the three days are necessary for the benefit of the voters, and he asked for support from the Commission.

With no further comments or discussion, the motion to approve this item passed by a 4-1 vote:

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Nay
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

## **ORDINANCE (S) FIRST READING**

### **(Cont'd)**

19. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE EIGHT 2006 FORD CROWN VICTORIA POLICE PURSUIT VEHICLES; CHARGING FIVE ANNUAL PAYMENTS IN AN AMOUNT NOT TO EXCEED \$40,827.21 PER YEAR AND ONE PAYMENT OF \$659.75 FOR DOCUMENTARY STAMPS IN THE FIRST YEAR TO BE CHARGED TO THE POLICE DEPARTMENT'S PURCHASE/LEASE-POLICE VEHICLES ACCOUNT NUMBER 001.1910.521.4450; PROVIDING FOR SEVERABILITY, ORDINANCES IN CONFLICT AND AN EFFECTIVE DATE. 3/5  
(City Manager)

Moved by Commissioner Sherar, seconded by Vice Mayor Palmer to approve this item.

Ms. Davis presented this item.

With no further comments or discussion, the motion to approve this item passed by a 5-0 vote:

Commissioner Wiscombe:	Yea
Commissioner Sherar:	Yea
Vice Mayor Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Mayor Russell:	Yea

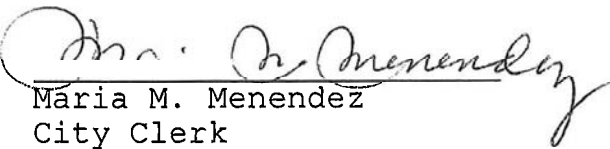
## COMMISSION REMARKS

There were no Commission remarks.

There being no further business to come before this Body, the meeting adjourned at 11:55 p.m.

Attest

Approved

  
Maria M. Menendez  
City Clerk

  
Mary Scott Russell  
Mayor

**PRINT NAME**

Email address

[illegible]

In addition to the need for the creation of additional districts, there are a number of areas where the Future Land Use and/or zoning designations need to be amended to: ensure consistency between Future Land Use and zoning; provide for a more logical distribution of land uses; provide appropriate transitions between neighborhoods and uses, and; reflect existing land uses. Proposed amendments to the Future Land Use Plan Map and/or Zoning Map are detailed on Table II.A.2. and identified on Figure II.A.3. Please note that such amendments are only proposed, and would not be enacted until the subsequent EAR-based amendment process and/or through related revisions to the land development regulations. Some of these recommendations are based on discussions that have taken place in previous planning and public participation processes, while others are based on consideration of suggestions by citizens, property owners, and/or staff. Additional amendments and revisions that are not noted on Table II.A.2. or Figure II.A.3. might be proposed during the EAR-based amendments or update of the land development regulation.

**Table II.A.2. Potential Future Land Use Plan Map and Zoning Map Amendments**

<b><u>Figure II.A.3.</u></b> <b><u>Location</u></b> <b><u>Identifier</u></b>	<b><u>Potential Future</u></b> <b><u>Land Use Plan Map</u></b> <b><u>Amendment</u></b>	<b><u>Potential Zoning</u></b> <b><u>Map Amendment</u></b>	<b><u>Consultant</u></b> <b><u>Recommendation</u></b>
1.	From Mixed Use Commercial/Residential to a new Planned Unit Development/Infill Land Use District (limited to 2/2 stories as per Planning Board action)	From LO (Low Intensity Office) and NR (Neighborhood Retail) to a new Planned Unit Development/Infill District	Yes, but recommend 3/2 stories, with 2 stories at rear, as per initial proposal
2.	From Mixed Use Commercial/Residential to a new Neighborhood Center/Cultural Mixed Use Land Use District (2 stories by Planning Board action)	From NR (Neighborhood Retail) to a new Neighborhood Center/Cultural Mixed Use District (2 stories by Planning Advisory Board action)	Yes, but recommend 3 stories as per original proposal
3.	No change	RS-3 (Single Family Residential) regulations require larger lots than are permitted. Consider amending to reduce non-conforming lots	Yes, change zoning to RS-4

**Table II.A.2. Potential Future Land Use Plan Map and Zoning Map Amendments  
continued**

<b><u>Figure II.A.3.</u></b> <b><u>Location</u></b> <b><u>Identifier</u></b>	<b><u>Potential Future</u></b> <b><u>Land Use Plan Map</u></b> <b><u>Amendment</u></b>	<b><u>Potential Zoning</u></b> <b><u>Map Amendment</u></b>	<b><u>Consultant</u></b> <b><u>Recommendation</u></b>
4.	No change	From RT-6 (Townhouse Residential) and SF-3 (Low Density Residential) to a Planned Unit Development Category	Planning Board recommended no further Study, and Consultant concurs
5.	No Change	From TODD-LI (Transit Oriented Development – Light Industrial) to TODD MU-4 (Transit Oriented Development Mixed Use – up to 2 stories)	Yes. Planning Board recommends that this be studied further. Consultant concurs but recommends that the study recognize existing uses, as there is a continued need for these uses and little opportunity for their location in other areas. A new Light Industrial Mixed Use designation may be appropriate.
6.	From TODD (4+4 stories) and Mixed Use Commercial/Residential to TODD in its entirety	From MO (Medium Intensity Office) and TODD MU-4 Transit Oriented Development Mixed Use up to two stories) to TODD MU-5 (Up to eight stories with bonuses)	Yes
7.	From Mixed Use Commercial/Residential (Four stories) to a new Hometown Center Future Land Use District	From SR (Specialty Retail) and NR (Neighborhood Retail) to a new Hometown Zoning District (refined)	Yes

**Table II.A.2. Potential Future Land Use Plan Map and Zoning Map Amendments  
continued**

<b><u>Figure II.A.3.</u></b> <b><u>Location</u></b> <b><u>Identifier</u></b>	<b><u>Potential Future</u></b> <b><u>Land Use Plan Map</u></b> <b><u>Amendment</u></b>	<b><u>Potential Zoning</u></b> <b><u>Map Amendment</u></b>	<b><u>Consultant</u></b> <b><u>Recommendation</u></b>
8.	From Mixed Use Residential/Commercial to Multi-Family Residential	Remove Hometown District Overlay	Yes
9.	Change the parcels east of SW 57 Ct. designated Single Family Residential to RO (Residential Office) or a new Office designation	Change the parcels east of SW 57 Ct. designated RS-3 (Single Family Residential) to RO (Residential Office) or a new Office designation	Yes
10.	From Single Family Residential to POS (Parks and Open Space) to reflect the locations of (a.) Van Smith Park and (b.) All American Park	Change from RS-3 (Single Family Residential) to P&R (Parks and Recreation)	Yes
11.	From Single Family Residential to RO (Residential Office) or a new Office designation	From Single Family Residential to RO (Residential Office) or a new Office designation	No
12.	From Townhouse Residential to RO (Residential Office) or a new Office designation	From RT-6 (Townhouse Residential) to RO (Residential Office) or a new Office designation	Yes
13.	From PI (Public Institutional) to a multi-family designation	From P/I (Public/Institutional) zoning to RM-24 (Medium Density Multi-Family)	Yes

**Figure II.A.3 Potential Future Land Use Plan Map Amendments And Zoning Map Amendments**

